

Kathi A. Fedden, Sr. Court Reporter

1 MR. ZERNER: Good morning.

2 THE COURT: Mr. Zerner, you brought something  
3 to the Court's attention you wanted to put on the  
4 record.

5 MR. ZERNER: I do, your Honor. I provided to  
6 both the Court and to the prosecutor several pages that  
7 were faxed to me at 10:10 last evening. You may recall  
8 that when Sarita Johnson testified on Thursday of last  
9 week, the most recent day that we had testimony in this  
10 case, I asked her about a Denise Sawyer.

11 It's my understanding that Ms. Johnson  
12 contacted the Nassau County police and brought a  
13 complaint, I suppose a trespassing complaint, against  
14 Denise Sawyer. Denise Sawyer contacted me, denied that  
15 this ever happened and I asked her whether the Nassau  
16 County police made an arrest and she told me they did  
17 not.

18 Denise Sawyer was quite upset and I told her  
19 you can avail yourself of any and all of the law  
20 enforcement community in Nassau County and simply tell  
21 them the truth. It's my understanding that she did do  
22 that. She spoke to an ADA Wright. There is a document  
23 in the paperwork that I provided to both your Honor and  
24 ADA Perri. I don't know whether ADA Wright generated  
25 any other paperwork.

1                   It's my understanding that no charges were  
2 brought in either direction up to now. It sounds that  
3 Ms. Sawyer is quite concerned for her own safety. I  
4 believe she lives at 308 Coventry Road North which is  
5 across the street from 301 where Ms. Johnson lived,  
6 currently still lives and is the focus of many of the  
7 pieces of testimony that we've received and will  
8 continue to receive in this case.

9                   As an officer of the Court, it seemed my  
10 obligation to bring this forward, which I did at my  
11 first available opportunity. I do anticipate calling  
12 Ms. Sawyer as a witness. She was not on my original  
13 list of potential witnesses, but certainly given what we  
14 have now, I am anticipating doing that.

15                  Additionally, your Honor, I believe that the  
16 prosecutor does have an obligation to investigate what  
17 we have just put on the record. It is his district  
18 attorney's office, it is the police department that is  
19 instrumental in this case that is also investigating  
20 these matters. I believe it's also the same precinct,  
21 the Fifth Precinct that's been involved here and, again,  
22 it's my understanding that Ms. Sawyer did personally  
23 physically go to both 272 Old Country Road and speak to  
24 an assistant district attorney and did go to the Fifth  
25 Precinct on Dutch Broadway and/or spoke to police at her

1 residence in West Hempstead, all, of course, Nassau  
2 County. Thank you, your Honor.

3 THE COURT: Thank you, Mr. Zerner.

4 Mr. Perri, you want to put anything on the  
5 record?

6 MR. PERRI: Your Honor, the People were made  
7 aware by Ms. Johnson that the person she was questioned  
8 about, Ms. Sawyer, had, according to her, been in her  
9 backyard. She did notify us that she called the police  
10 and reported that information to the police.

11 THE COURT: Okay.

12 MR. ZERNER: Your Honor, just to follow up,  
13 it's interesting to me if there was any paperwork that  
14 was generated as a result of that, Mr. Perri has not  
15 provided it.

16 THE COURT: Mr. Perri, you are reminded of all  
17 your obligations under the law with regard to  
18 investigations and service of documents to adversary  
19 counsel.

20 MR. PERRI: Your Honor, the People were  
21 notified of this this morning. It's a collateral  
22 matter. It has nothing to do with the present case.

23 THE COURT: Mr. Perri, do you acknowledge all  
24 your requirements under the law?

25 MR. PERRI: Yes, your Honor.



1 THE COURT: Thank you.

2 Anything else for the record?

3 MR. PERRI: No, your Honor.

4 THE COURT: Can we have the jury in, please?

5 (Whereupon, the jury entered the courtroom.)

6 THE CLERK: Let the record reflect the  
7 presence of the jury.

8 Are the People ready?

9 MR. PERRI: Yes, your Honor.

10 THE CLERK: Defense ready?

11 MR. ZERNER: Yes, we are.

12 THE COURT: Good morning, ladies and gentlemen  
13 of the jury, welcome back. I hope you had a good  
14 weekend. It looks like spring is on its way, so we're  
15 going to get started right away with continued testimony  
16 at trial.

17 Mr. Perri.

18 MR. PERRI: Your Honor, the People call  
19 Millinia Johnson.

20 M I L L I N I A J O H N S O N, residing in the County of  
21 Nassau, having been called as a witness on behalf of  
22 the People, having been duly sworn by the Clerk of the  
23 Court, was examined and testified as follows:

24 THE CLERK: State your name and spell your  
25 last name. Give your county of residence.

1 THE WITNESS: Millinia, M-I-L-L-I-N-I-A,  
2 Johnson, J-O-H-N-S-O-N. Nassau County.

3 THE COURT: Ms. Johnson, if you want to move  
4 your chair up a little bit, you can speak into the  
5 microphone, that might help your voice carry so the jury  
6 can hear your testimony, okay.

7 MR. PERRI: Thank you, your Honor.

8 THE COURT: You're welcome.

9 Ms. Johnson, just as a matter of instruction,  
10 Mr. Perri is going to be asking you some questions,  
11 okay. You have to give answers to those questions and  
12 then Mr. Zerner will be asking you questions. If you  
13 hear the word objection, just stop talking, okay, and  
14 then I'll give you further instructions. Do you  
15 understand?

16 THE WITNESS: Yeah.

17 THE COURT: Mr. Perri.

18 MR. PERRI: Thank you, your Honor.

19 DIRECT EXAMINATION

20 BY MR. PERRI:

21 Q. Good morning, Ms. Johnson. How old are you today?

22 A. Fifteen.

23 Q. And what's your date of birth?

24 A. December 30, 2000.

25 THE COURT: I didn't understand. Could you

1 say it again?

2 THE WITNESS: December 30, 2000.

3 Q. And where do you live?

4 A. 301 Coventry Road North.

5 Q. What town is that in?

6 A. West Hempstead.

7 Q. And what county?

8 A. Nassau.

9 Q. Is that in New York State?

10 A. Yes.

11 THE COURT: Hold on, Mr. Perri.

12 Ms. Johnson, you are going to have to speak  
13 into the microphone, okay.

14 THE WITNESS: Okay.

15 THE COURT: Because even I can't hear you and  
16 understand you.

17 Q. And could you please describe the setup of your  
18 house at 301 Coventry Road where you live?

19 A. There is two stories and there is an upstairs and  
20 downstairs.

21 Q. Where do you live at the house?

22 A. I sleep downstairs.

23 Q. And do you live with your family at that location?

24 A. Yes.

25 Q. Who lives there? Which family members live there

1 with you?

2 A. My mom.

3 Q. What's your mom's name?

4 A. Sarita.

5 Q. Who else lives with you?

6 A. My brother.

7 Q. What's his name?

8 A. Malik.

9 Q. And how old is Malik?

10 A. Twenty-two.

11 Q. Does anyone else live with you and your family?

12 A. Yes.

13 Q. Who else lives with you?

14 A. My two sisters.

15 Q. What are their names?

16 A. Sherima and Mercedes.

17 Q. And how old are Sherima and Mercedes?

18 A. Sherima is eight and Mercedes is 18.

19 Q. And where do your sisters, where do they live

20 inside the house?

21 A. Downstairs.

22 Q. And where does your brother Malik live?

23 A. Upstairs.

24 Q. And could you explain the setup downstairs in your  
25 house where you sleep?

1 A. It's two beds, a chair.

2 Q. And who do you share a bed with?

3 A. My sister.

4 Q. Which sister?

5 A. Mercedes.

6 THE COURT: Who is that?

7 THE WITNESS: My older sister.

8 THE COURT: Mercedes?

9 THE WITNESS: Yes.

10 Q. And do you know your grandmother?

11 A. Yes.

12 Q. And what's her name?

13 A. Pauline.

14 Q. Where does she live?

15 A. She lives --

16 Q. Currently.

17 A. At a townhouse.

18 Q. Does she live at 301 Coventry Road?

19 A. No.

20 Q. Now, did you live in the same house back in 2013?

21 A. Yes.

22 Q. And when you were living in the house in 2013, was  
23 there anyone else -- withdrawn.

24 When you were living in that house in 2013, were  
25 the family members you have already mentioned, were they

1 living there with you?

2 A. Yes.

3 Q. And was there anyone else living with you in 2013  
4 in that house that you haven't mentioned yet?

5 A. Yes.

6 Q. Who else was living with you in 2013 at 301  
7 Coventry?

8 A. My aunt.

9 Q. What's your aunt's name?

10 A. Tara.

11 Q. And who else aside from your aunt, if anyone?

12 A. Ray.

13 Q. And does Ray have a last name?

14 A. Yes.

15 Q. What's Ray's last name?

16 A. Ross.

17 Q. Do you see Ray Ross in the courtroom presently?

18 A. Yes.

19 Q. And could you please identify him by pointing at  
20 him and naming an article of clothing he's wearing?

21 A. Green sweater.

22 MR. PERRI: Your Honor, may the record reflect  
23 the witness has identified the defendant?

24 THE COURT: So noted.

25 MR. PERRI: Thank you, your Honor.

1 Q. Now, back in 2013 where did the defendant live  
2 inside of your house?

3 A. Upstairs.

4 Q. And did he live with anyone?

5 A. Huh?

6 Q. Did he live with anyone?

7 A. Yes.

8 Q. Who did he live with?

9 A. My aunt.

10 Q. Is that your Aunt Tara?

11 A. Yes.

12 Q. And how did you know the defendant back in 2013?

13 THE COURT: Hold it, Mr. Perri. I don't know  
14 if the witness knows Mr. Ross as the defendant, so can  
15 you refer to him as Mr. Ross or at least establish who  
16 you are referring to?

17 MR. PERRI: Your Honor, the witness identified  
18 the defendant, Ray Ross to be the defendant.

19 THE COURT: I understand that, okay. She  
20 identified Mr. Ross as the person she knew, okay.

21 MR. PERRI: Yes, your Honor.

22 THE COURT: Ms. Johnson, Mr. Ross is sometimes  
23 known in this proceeding as the defendant, okay. So if  
24 Mr. Perri references the defendant or if Mr. Zerner  
25 references the defendant, it simply means Mr. Ross. Do

1           you understand that?

2                   THE WITNESS: Yeah.

3                   THE COURT: Thank you, Mr. Perri. Continue.

4                   MR. PERRI: Thank you, your Honor.

5 BY MR. PERRI:

6           Q. Ms. Johnson, how did you know Mr. Ross?

7           A. He was my aunt's boyfriend.

8           Q. And, to your knowledge, was Mr. Ross -- had he been  
9 married?

10          A. Yes.

11          Q. And did you meet his wife?

12          A. Yes.

13          Q. And did Mr. Ross have any children?

14          A. Yes.

15          Q. Did you meet his children?

16          A. Yes.

17          Q. And where did they live?

18          A. Brooklyn.

19                   THE COURT: Who is "they"?

20                   MR. PERRI: The children and Mr. Ross'  
21 children and his wife.

22          A. Brooklyn. In Brooklyn.

23                   THE COURT: Brooklyn you said?

24                   THE WITNESS: Yeah.

25                   THE COURT: Please speak up.



1 THE WITNESS: Okay.

2 Q. Have you gone to Brooklyn to visit these people?

3 A. Yes.

4 Q. Would your Aunt Tara go with you when you would  
5 visit Mr. Ross' family?

6 A. No.

7 Q. Now, Ms. Johnson, are you in school right now?

8 A. Yes.

9 Q. And what grade are you in?

10 A. Ninth.

11 Q. And what are some of your favorite classes in ninth  
12 grade?

13 A. Math.

14 Q. Who is your math teacher?

15 A. Mr. Furman.

16 Q. Now, last school year, 2014-2015 did you go to the  
17 same school as you go now?

18 A. No.

19 Q. Where do you go now to school?

20 A. Right now?

21 Q. Right now.

22 A. Malverne.

23 Q. And what kind of school is that, what level?

24 THE COURT: Hold it. Malverne?

25 THE WITNESS: Malverne High School.

1 Q. And so last year what school did you go to?

2 A. Middle school.

3 Q. What was the name of your middle school?

4 A. Howard T. Herber.

5 THE COURT: Can the jury hear the witness's  
6 testimony?

7 (Whereupon, the sworn jury of twelve and the  
8 alternates answered in the affirmative.)

9 Q. And were you at Howard T. Herber for seventh grade  
10 also?

11 A. Yes.

12 Q. Were you at Howard T. Herber for sixth grade?

13 A. Yes.

14 Q. Millinia, have you ever skipped a grade?

15 A. No.

16 Q. Have you ever been left back?

17 A. No.

18 Q. And have you ever taken off a long period of time  
19 from school during the school year?

20 A. No.

21 Q. So, Millinia, I want to ask you to think about  
22 sixth grade during the 2012-2013 school year. Who were some  
23 of your teachers in sixth grade back in 2012-2013?

24 A. Ms. Medley.

25 Q. What did she teach?

1 A. Science.

2 Q. What other teachers do you remember, if any?

3 A. Mr. Hammond.

4 Q. What did Mr. Hammond teach?

5 A. Social studies.

6 Q. Do you recall any other teachers?

7 A. Ms. Lynch.

8 Q. What did Ms. Lynch teach?

9 A. Band.

10 Q. Millinia, when you were in sixth grade, on December  
11 30th of 2012 how old did you turn?

12 A. Twelve.

13 Q. Now, drawing your attention and asking you to think  
14 about March of 2013 when you were still in sixth grade, did  
15 there come a time when you were in a talent show?

16 A. Yes.

17 Q. And what did you do in the talent show?

18 A. Dance.

19 Q. And did you dance alone or with a partner?

20 A. With a partner.

21 Q. And did you dance to a song?

22 A. Yes.

23 Q. What song did you dance to?

24 A. I Want You Back by Cher Lloyd.

25 Q. Where was the talent show?

1 A. Howard T. Herber.

2 Q. And was it at night or during the day?

3 A. At night.

4 Q. Did your mother go to the talent show?

5 A. Yes.

6 Q. Now, before that talent show in March of 2013, was  
7 the defendant living with you at 301 Coventry?

8 A. Yes.

9 Q. Before that talent show, did you have any problems  
10 with the defendant, any arguments?

11 A. No.

12 Q. Before that talent show in 2013, did you spend time  
13 alone with the defendant?

14 A. Yes.

15 Q. Did you ever go anywhere with him?

16 A. No.

17 Q. Before that talent show in 2013 -- withdrawn.

18 Now, Millinia, I'm going to ask you to think about  
19 while you were in sixth grade, that same year, but after the  
20 talent show in March of that year of your sixth grade year.  
21 After the talent show, sometime after the talent show that  
22 year, did your relationship with the defendant change?

23 MR. ZERNER: Objection.

24 THE COURT: Overruled.

25 A. Yes.

1 Q. Could you please explain to the jury in the months  
2 after the talent show how your relationship with Mr. Ross  
3 changed?

4 A. We started hanging out more.

5 Q. And what would you do when you started hanging out  
6 more?

7 A. We would go to Brooklyn, go out to eat, got ices.

8 Q. Other than ices -- withdrawn.

9 Did you start to do anything with the defendant at  
10 home that was different?

11 A. Yeah.

12 Q. What did you start to do with the defendant at  
13 home?

14 A. (No response.)

15 THE COURT: Mr. Perri, why don't you ask  
16 another question, please.

17 MR. PERRI: Yes, your Honor.

18 Q. Millinia, back in 2013 when you were in sixth  
19 grade, did you watch television?

20 A. Yeah.

21 Q. And after the talent show that you talked about,  
22 where would you watch television?

23 A. In Mr. Ross' room.

24 Q. And when you would go to watch television in  
25 Mr. Ross' room after that talent show in 2013, was there

1 anyone else there with you?

2 A. No.

3 Q. And did there come a time when you were watching  
4 television -- sorry, withdrawn.

5 Where would you watch television with Mr. Ross?

6 A. In his room.

7 Q. And did there come a time when you were watching  
8 television with Mr. Ross in his room after the talent show in  
9 2013 where you did anything that made you feel uncomfortable?

10 MR. ZERNER: Objection.

11 THE COURT: Sustained.

12 A. Yes.

13 MR. ZERNER: Objection.

14 THE COURT: Hold it, Ms. Johnson.

15 Next question, Mr. Perri.

16 Q. What, if anything, happened while you were alone  
17 with the defendant watching television in his room?

18 MR. ZERNER: Objection; vague.

19 THE COURT: As to the form of the question.

20 Q. What would you watch with the defendant in the room  
21 on television?

22 A. Wrestling.

23 Q. And what, if anything, happened after the talent  
24 show in March of 2013 when you were watching wrestling with  
25 the defendant?

1 A. Could you repeat the question?

2 Q. What, if anything, happened while you were watching  
3 wrestling with the defendant alone in his room after the  
4 talent show in March of 2013?

5 A. He would touch me.

6 THE COURT: He would what?

7 THE WITNESS: Touch me.

8 THE COURT: Touch you?

9 THE WITNESS: Yes.

10 Q. Ms. Johnson, I want you to think about the first  
11 time you remember the defendant touching you. Could you  
12 please describe what happened the first time?

13 MR. ZERNER: Objection. Assumes facts not in  
14 evidence.

15 THE COURT: No, overruled.

16 Q. Could you please explain what happened the first  
17 time, Ms. Johnson?

18 A. I would be sitting on the bed, he would be sitting  
19 next to me and watching TV and as I'm watching TV, he takes  
20 his hand and puts it down my pants and touches my butt.

21 Q. Now, when you say the defendant took his hand and  
22 put it down your pants and touched your butt, was that on top  
23 of or underneath underwear?

24 A. Underneath.

25 Q. Could you please describe what, if anything,

1 Mr. Ross did while he was touching your butt under underwear?

2 A. He would grab it.

3 Q. And when the defendant grabbed your butt, did you  
4 say anything?

5 A. Yes.

6 Q. What did you say?

7 A. I said, What are you doing?

8 Q. And what, if anything, did the defendant, Mr. Ross  
9 say after you said what are you doing?

10 MR. ZERNER: Objection.

11 THE COURT: No, overruled.

12 A. He said, Nothing. What are you doing?

13 Q. When the defendant was touching your butt and  
14 saying this, was there anyone else in the room?

15 A. No.

16 Q. Does the bedroom have a door?

17 A. Yes.

18 Q. Was the door opened or closed?

19 A. Closed.

20 Q. And who closed the door?

21 A. He did.

22 Q. Ms. Johnson, do you remember what you were wearing?

23 A. No.

24 Q. Do you remember what the defendant was wearing?

25 A. Boxers and a shirt.



1 THE COURT: I'm sorry, you said a shirt. What  
2 else did you say?

3 THE WITNESS: Boxers.

4 THE COURT: His boxers?

5 THE WITNESS: Yes.

6 Q. And Ms. Johnson, what happened after the defendant  
7 said, Nothing. What are you doing?

8 A. I got up and left.

9 MR. PERRI: I'm sorry, your Honor, I can't  
10 hear her.

11 THE COURT: Could you repeat the answer,  
12 please?

13 A. I got up and left.

14 Q. Did you tell anyone about what happened?

15 A. No.

16 Q. Now, before summer vacation, so when you were still  
17 in sixth grade, did you go back into the defendant's room  
18 after this incident you just described?

19 A. Yes.

20 Q. Did you go back once or more than once?

21 A. More than once.

22 Q. When you went back into the room these other times,  
23 could you please describe to the jury what, if anything else,  
24 would happen?

25 A. He would still touch my bottom.

1 Q. And other than still touching your bottom, did the  
2 defendant do anything else when you would go back to his  
3 room?

4 A. (No response.)

5 THE COURT: There are some tissues there. You  
6 want to use the tissue?

7 Ladies and gentlemen, I think it's probably an  
8 appropriate time to take a five-minute break and get  
9 your legs stretched and be able to use the facilities.  
10 We'll be back in five minutes.

11 (Whereupon, the jury exited the courtroom.)

12 THE COURT: Millinia, you can take a break,  
13 okay. Don't talk about your testimony, but you go out  
14 and take a break and catch your breath, okay. You are  
15 excused.

16 (Whereupon, the witness exited the courtroom.)

17 THE COURT: Two minutes, let the witness  
18 regain her composure.

19 (A recess was taken.)

20 (Whereupon, People's Exhibits 18 through 22  
21 were pre-marked for identification outside the presence  
22 of the Court and the jury.)

23 (Whereupon, the witness returned to the  
24 witness stand.)

25 THE CLERK: People ready at this time?

1 MR. PERRI: Yes, your Honor.

2 THE CLERK: Defense ready?

3 MR. ZERNER: We are, thank you.

4 THE CLERK: The jury is not present at this  
5 time.

6 THE COURT: So, Millinia, we're just going to  
7 ask you to try to talk into the microphone, okay. So  
8 you don't have to yell, but your voice will be able to  
9 carry so that the jurors can hear your testimony, okay?

10 THE WITNESS: Okay.

11 MR. ZERNER: Your Honor, before the jury gets  
12 brought in if I can put something on the record.

13 THE COURT: We have the witness here.

14 MR. ZERNER: I think with the witness.

15 THE COURT: Come on up here, please. Come  
16 into the well.

17 (Whereupon, a discussion was held off the  
18 record.)

19 (Whereupon, the jury entered the courtroom.)

20 THE CLERK: Let the record reflect the  
21 presence of the jury. Again, are the People ready?

22 MR. PERRI: Yes, your Honor.

23 THE CLERK: Is the defense ready?

24 MR. ZERNER: We are, thank you.

25 THE COURT: Mr. Perri, you may continue.

1 MR. PERRI: Thank you, your Honor.

2 BY MS. PERRI:

3 Q. Millinia, you testified that you went back into the  
4 defendant's room more than once after the incident you just  
5 described.

6 When you went back into the defendant's room after  
7 the first incident, did the defendant's conduct change?

8 A. Yes.

9 Q. Could you describe to the jury what happened that  
10 was different when you went back into the defendant's room?

11 A. He started touching my breasts.

12 Q. And would he touch your breasts over or under your  
13 clothes?

14 A. Under.

15 Q. And what, if anything else, would the defendant be  
16 doing while he was touching your breasts?

17 A. He would touch himself.

18 Q. And when you say he would touch himself, where  
19 would he touch himself?

20 A. His penis.

21 Q. And was his penis outside or inside of his clothes?

22 A. Inside.

23 Q. And what, if anything, would he do when he was  
24 touching his penis?

25 A. Could you repeat the question?

1 Q. What would he do? Could you describe how he would  
2 touch his penis?

3 A. Can I gesture it?

4 THE COURT: I didn't understand what you said  
5 either. Can you speak into the microphone a lit bit?

6 A. Can I gesture it?

7 THE COURT: Can you gesture it?

8 THE WITNESS: Yes.

9 THE COURT: So Mr. Perri asked you to describe  
10 what Mr. Ross would do and you wanted to describe it  
11 through a gesture?

12 THE WITNESS: Yes.

13 THE COURT: You may.

14 A. Like that (indicating.)

15 MR. PERRI: Your Honor, may the record reflect  
16 that the witness gestured her hand going up and down  
17 cupped in a circular fashion?

18 THE COURT: The record so notes.

19 MR. PERRI: Thank you, your Honor.

20 Q. And when you were in the defendant's room and this  
21 was happening, was there anyone else present in the room?

22 A. No.

23 Q. Was the door open or closed?

24 A. Closed.

25 Q. Where were you in the room when this was happening?

1 A. On the bed.

2 Q. And how were you on the bed?

3 A. Sitting.

4 Q. And where would the defendant be when you were on  
5 the bed?

6 A. Next to me.

7 Q. And would he be sitting up or laying down?

8 A. Sitting up.

9 Q. So as you were finishing the sixth grade, before  
10 the summer of 2013, how often would what you just described  
11 happen?

12 A. Once or twice a week.

13 Q. Millinia, I'm going to ask you to start thinking  
14 about the summer after sixth grade. Once you started the  
15 summer after sixth grade, did Mr. Ross continue to have you  
16 go to his room?

17 MR. ZERNER: Objection.

18 THE COURT: Sustained.

19 Q. Did you go back to Mr. Ross' room at the start of  
20 the summer of sixth grade?

21 MR. ZERNER: Objection.

22 THE COURT: Overruled.

23 A. Yes.

24 Q. And was the sexual conduct you described, was it  
25 still happening?

1 MR. ZERNER: Objection.

2 THE COURT: Sustained.

3 Q. And what would happen when you would go back to  
4 Mr. Ross' room at the start of the summer after sixth grade?

5 A. The same thing would happen.

6 Q. And how often would that happen when you started  
7 the summer after sixth grade?

8 THE COURT: Until when, sir? Give it a time  
9 period, please.

10 Q. At the start of the summer, in June and July of  
11 2013, how often, approximately, was this happening?

12 A. At least once or twice a week.

13 Q. Now, that summer did there come a time on weekends  
14 when you started going anywhere with the defendant?

15 MR. ZERNER: Objection.

16 THE COURT: Sustained.

17 A. Yes.

18 THE COURT: No, hold it. When you hear the  
19 word objection, you just have to wait, okay.

20 THE WITNESS: Okay.

21 THE COURT: Next question, Mr. Perri.

22 Q. During the summer of 2013, what, if anything, would  
23 you do with the defendant, Mr. Ross?

24 A. I would go with him.

25 Q. Where would you go?

1 A. To Brooklyn.

2 Q. And how would you get to Brooklyn?

3 A. He would drive his white truck.

4 MR. PERRI: I'm sorry, your Honor, I couldn't  
5 hear.

6 THE COURT: Ask the witness to repeat her  
7 answer.

8 Q. Could you please repeat your answer?

9 A. He would drive his white truck.

10 Q. And what color was his truck?

11 A. White.

12 Q. And how many rows of seats did the truck have?

13 A. Two.

14 Q. And when would you go to Brooklyn with Mr. Ross?

15 A. Almost every weekend.

16 Q. And would anyone else go with you?

17 A. No.

18 Q. And what would you do when you would go to Brooklyn  
19 with Mr. Ross?

20 A. I visit his wife and kids.

21 THE COURT: You have to speak a little bit  
22 louder. I didn't understand what you said.

23 THE WITNESS: I would visit his wife and kids.

24 MR. ZERNER: Objection, your Honor. It's not  
25 his wife.



1 THE COURT: Okay. Overruled. Next question.

2 MR. PERRI: Thank you, your Honor.

3 Q. When you started going to Brooklyn with Mr. Ross,  
4 did you like going to Brooklyn with Mr. Ross?

5 A. Yes.

6 Q. And at the same time, the summer of 2013, did your  
7 mother or older siblings take you anywhere that summer?

8 A. No.

9 Q. How would you normally get back from Brooklyn to  
10 301 Coventry?

11 A. He would drive us back.

12 Q. Would you spend the night in Brooklyn?

13 A. No.

14 Q. And what time of day would you get back from  
15 Brooklyn?

16 A. Around nine or ten.

17 Q. At the beginning of the summer of 2013, what, if  
18 anything, would happen when you would come home from  
19 Brooklyn?

20 A. What do you mean?

21 Q. Would anything happen on the way home from Brooklyn  
22 at the start of the summer of 2013?

23 A. No.

24 Q. Did that ever change?

25 A. Yes.

1 Q. And did that change -- when did that change happen?

2 A. Later on.

3 Q. In that same summer of 2013?

4 A. Yes.

5 Q. And what was that change? What happened?

6 A. We would stop.

7 Q. Where would you stop?

8 A. At the Wholesale Liquidators parking lot.

9 Q. Where is Wholesale Liquidators?

10 A. In West Hempstead.

11 Q. Is that in Nassau County?

12 A. Yes.

13 MR. PERRI: Your Honor, I ask the witness be  
14 shown what's marked for ID as People's 19.

15 (Handed to witness.)

16 Q. Ms. Johnson, do you recognize what's marked for  
17 identification as People's 19?

18 A. Yes.

19 Q. What do you recognize it to be?

20 A. The parking lot.

21 Q. Which parking lot is that?

22 A. Liquidators.

23 Q. And is that where you just testified you would  
24 stop?

25 A. Yes.

1 Q. Is that a fair and accurate depiction of the layout  
2 of Wholesale Liquidators, as far as the buildings and the  
3 parking lots go?

4 A. Yes.

5 Q. And did Wholesale Liquidators appear in  
6 substantially the same condition today as it did in 2013?

7 A. Yes.

8 MR. PERRI: Your Honor, I ask that that be  
9 moved into evidence.

10 THE COURT: Mr. Zerner?

11 MR. ZERNER: Thank you. If I can have a brief  
12 voir dire, your Honor?

13 THE COURT: You may.

14 VOIR DIRE EXAMINATION

15 BY MR. ZERNER:

16 Q. Good morning, Ms. Johnson.

17 A. Good morning.

18 Q. Ms. Johnson, you were just shown a photograph by  
19 Mr. Perri?

20 A. Yes.

21 Q. Did you take this photograph?

22 A. No.

23 Q. Were you with the person who took the photograph?

24 A. No.

25 Q. When was the first time you saw this photograph?

1 A. The first time?

2 Q. Yes. When was the first time you saw this  
3 photograph?

4 A. I don't remember.

5 Q. When was the most recent time that you went to this  
6 parking lot?

7 A. A couple of months ago.

8 Q. A couple of months ago, is that what you said?

9 A. Yes.

10 Q. Did you look at it from this angle that the  
11 photograph is showing?

12 A. No.

13 Q. Did you go inside of the building?

14 A. Yes.

15 Q. Did you walk around the parking lot?

16 A. No.

17 Q. Does this photograph show any car that you  
18 recognize?

19 A. No.

20 MR. ZERNER: Your Honor, I object.

21 THE COURT: Thank you, Mr. Zerner.

22 The objection is overruled. The photograph is  
23 received in evidence.

24 (Whereupon, People's Exhibit 19 was received  
25 in evidence.)

1 COURT OFFICER: People's 19 in evidence.

2 MR. PERRI: Your Honor, may I place People's  
3 19 on the presenter?

4 THE COURT: You may.

5 MR. PERRI: Thank you.

6 DIRECT EXAMINATION (Cont'd)

7 BY MR. PERRI:

8 Q. Now, Millinia --

9 THE COURT: Can you see the picture from where  
10 you are sitting?

11 THE WITNESS: No.

12 THE COURT: Follow the direction of the court  
13 officer.

14 Q. Ms. Johnson, when you would go to National  
15 Wholesale Liquidators, what's depicted in People's 19 on the  
16 presenter, would you go inside -- sorry.

17 When you would go with the defendant to National  
18 Wholesale Liquidators that's on the presenter, would you go  
19 inside the building?

20 A. No.

21 Q. Would you go shopping?

22 A. No.

23 Q. Where would you go when you went to National  
24 Wholesale Liquidators?

25 A. What do you mean?

1 MR. PERRI: Your Honor, the witness can go  
2 back. I'll remove it from the presenter.

3 Q. Ms. Johnson, what, if anything, would happen when  
4 you would go with the defendant to National Wholesale  
5 Liquidators on the way home from Brooklyn?

6 A. We would stop at the parking lot.

7 Q. After you stopped in the parking lot, what would  
8 happen next?

9 MR. ZERNER: Objection.

10 THE COURT: If anything?

11 When you stopped in the parking lot, what  
12 happened after you stopped, if anything?

13 THE WITNESS: Oh. I would get in the back  
14 seat.

15 Q. Why would you get in the back seat?

16 A. Because he told me to.

17 Q. Who told you to?

18 A. Mr. Ross.

19 Q. And what would happen, if anything, when you went  
20 into the back seat?

21 A. He would go back there with me.

22 Q. And --

23 THE COURT: Millinia, I'm just going to ask  
24 you please lean forward into the microphone a little  
25 bit, okay, or pull your chair up a little bit.

1 Q. What, if anything, would happen when he would go  
2 back there with you?

3 A. He would touch me.

4 Q. Where would he touch you?

5 A. My breasts, my butt, my vagina.

6 Q. Would he touch your breasts, your butt and your  
7 vagina over or under your clothing?

8 A. Under.

9 Q. What, if anything, would happen with your pants?

10 A. He would pull them down halfway.

11 Q. Did the defendant, Mr. Ross, did he remain clothed?

12 A. No.

13 Q. What would happen with his clothing, if anything?

14 A. He would also pull his pants down halfway.

15 Q. When he would do this, would you see his penis?

16 A. Yes.

17 Q. And what, if anything, would he do with his penis  
18 in the back of the truck once his pants were pulled down  
19 halfway?

20 A. He would touch it.

21 Q. And how would he touch it?

22 A. He would rub it.

23 Q. And could you describe how he would rub his penis?

24 A. Up and down.

25 Q. And what, if anything, would happen while he was

1 rubbing his penis up and down?

2 A. It would get bigger.

3 Q. And what, if anything else, would happen other than  
4 it getting bigger?

5 A. It would go up.

6 Q. Now, you testified that the defendant would touch  
7 your breasts, your bottom, your butt and your vagina. What  
8 would he touch you with?

9 A. His hands.

10 Q. And while you were in the back of the car with  
11 Mr. Ross, what, if anything else, did he touch you with?

12 A. His mouth.

13 Q. Where did he touch you with his mouth?

14 A. My vagina.

15 Q. And what, if anything, did the defendant, Mr. Ross  
16 do with his mouth when he was touching your vagina with it?

17 A. He would lick it.

18 Q. Would the defendant kiss you while he was touching  
19 you?

20 A. Yes.

21 Q. Could you please describe how he would kiss you and  
22 where?

23 A. On my neck.

24 Q. And what, if anything -- would the defendant say  
25 anything as this was happening?



1 A. Yes.

2 Q. What would the defendant say?

3 A. He would say --

4 THE COURT: Millinia, would you remember what  
5 Mr. Ross would say when he was kissing you, yes or no?

6 THE WITNESS: Yes.

7 THE COURT: What would he say?

8 THE WITNESS: I want to smash.

9 Q. What did it mean, I want to smash? What did you  
10 take that to mean?

11 A. Have sex.

12 Q. What did you understand the term to have sex to  
13 mean?

14 A. A penis going into a vagina.

15 Q. During the summer of 2013, did the defendant,  
16 Mr. Ross ever place his penis in your vagina?

17 A. No.

18 Q. During the summer of 2013 did the defendant ever  
19 place his penis in your mouth?

20 A. No.

21 Q. While you were in the back of the truck with  
22 Mr. Ross, did you ever place your hands on any part of his  
23 body?

24 A. Yes.

25 Q. And where did you place your hands?

1 A. On his penis.

2 Q. Why did you place your hands on his penis?

3 A. He took my hand.

4 Q. And what would you do when your hand was touching  
5 his penis?

6 A. I would rub it.

7 Q. What, if anything, would eventually happen at the  
8 end of the sexual conduct you just described?

9 A. He would cum.

10 Q. What do you mean by the term cum?

11 A. White liquid, warm white liquid would come out of  
12 his penis.

13 Q. Would the defendant say anything when he would cum?

14 A. He would say shit or fuck.

15 Q. Did what you just described, did that happen once  
16 or more than once?

17 A. More than once.

18 Q. During the summer of 2013 before you started the  
19 seventh grade, how often would it happen?

20 A. Almost every weekend.

21 Q. During that same summer of 2013 did there ever come  
22 a time when you weren't in the defendant's truck where you  
23 saw him cum?

24 A. Yes.

25 Q. Where was that?

1 A. In his room.

2 Q. Is that the same room you were talking about  
3 earlier?

4 A. Yes.

5 Q. Inside of your house?

6 A. Yes.

7 Q. And what would happen? Could you please explain to  
8 the jury what would happen in Mr. Ross' room when you would  
9 see him cum?

10 A. He would continue to touch me.

11 Q. Where would you be when he was touching you?

12 A. On the bed.

13 Q. Could you describe how you were on the bed? Were  
14 you sitting up or laying down?

15 A. Laying down.

16 Q. Where was the defendant while you were laying down  
17 on the bed?

18 A. On top of me.

19 Q. And were you facing up or facing down?

20 A. Facing down.

21 Q. And were you wearing your clothes?

22 A. My pants were pulled down.

23 Q. What was the defendant wearing?

24 A. A shirt and boxers.

25 Q. And were you able to see his penis?

1 THE COURT: I'm sorry, Mr. Perri.

2 You said shirt?

3 THE WITNESS: And boxers.

4 Q. Would you be able to see his penis?

5 MR. ZERNER: Objection; leading.

6 THE COURT: Overruled.

7 You can answer the question.

8 A. Yes.

9 Q. And what, if anything, would the defendant be doing  
10 while he was on top of you with his penis?

11 A. He would touch me with it.

12 Q. Could you please describe how he would touch you  
13 with his penis?

14 A. He would put it on my butt cheeks and rub it there.

15 Q. Can you please explain how he would rub it on your  
16 butt cheeks?

17 A. In circular motions.

18 Q. Was there anyone else in the room when this was  
19 happening?

20 A. No.

21 Q. Was the door open or closed?

22 A. Closed.

23 Q. And what would eventually happen after the  
24 defendant would rub his penis on your butt cheeks?

25 A. He would cum.

1 Q. And where would he cum?

2 A. On me.

3 Q. And can you please describe what, if anything, you  
4 felt when he would cum on you?

5 A. Warm liquidy stuff.

6 Q. Millinia, I want you to think about and focus on  
7 the start of seventh grade. So, after the summer we were  
8 just talking about.

9 What school were you in for the start of seventh  
10 grade?

11 A. Howard T. Herber.

12 Q. And who were some of your teachers in seventh grade  
13 at Howard T. Herber?

14 A. Ms. McGowan.

15 Q. What did she teach?

16 A. English.

17 Q. Who else did you have?

18 A. Mr. Johnson.

19 Q. What did Mr. Johnson teach?

20 A. Band.

21 Q. And how about one more teacher, please?

22 A. Ms. Banek, B-A-N-E-K.

23 Q. And what did Ms. Banek teach?

24 THE COURT: You spelled it B-A-N-E-K,  
25 Ms. Banek?

1 THE WITNESS: Yes.

2 Q. What did Ms. Banek teach?

3 A. Science.

4 MR. PERRI: I ask that the witness be shown  
5 what's been marked People's 18 for identification.

6 (Handed to witness.)

7 Q. Ms. Johnson, do you recognize People's 18?

8 A. Yes.

9 Q. What do you recognize it to be?

10 A. Me and my best friend.

11 Q. And is that a picture?

12 A. Yes.

13 Q. And who took that picture?

14 A. She did.

15 THE COURT: Who did?

16 THE WITNESS: My friend.

17 THE COURT: The friend that is in the picture  
18 or another friend?

19 THE WITNESS: The friend that is in the  
20 picture.

21 THE COURT: Is that what's known as a selfie?

22 THE WITNESS: Yes.

23 Q. And is that picture a fair and accurate depiction  
24 of how you looked at the start of your seventh grade year at  
25 Howard T. Herber?

1 A. Yes.

2 Q. How old are you in that picture?

3 A. Thirteen.

4 MR. PERRI: Your Honor, I ask that that  
5 picture be moved into evidence.

6 THE COURT: Mr. Zerner.

7 MR. ZERNER: If I can take a look at it.

8 (Handed to counsel.)

9 MR. ZERNER: No objection, your Honor.

10 THE COURT: Very good. Received in evidence  
11 without objection.

12 (Whereupon, People's Exhibit 18 was received  
13 in evidence.)

14 COURT OFFICER: People's 18 in evidence.

15 MR. PERRI: If I can place it on the presenter  
16 for the jury.

17 THE COURT: You may.

18 MR. PERRI: Thank you.

19 (Whereupon, People's Exhibit 18 in evidence  
20 was published to the jury.)

21 Q. Ms. Johnson, when you met the teachers you were  
22 just talking about at the start of seventh grade, were you  
23 still going to Brooklyn with the defendant on the weekends?

24 A. Yes.

25 Q. And how often would you go to Brooklyn in September

1 of 2013 when you started seventh grade?

2 A. Almost every weekend.

3 Q. And what, if anything, would happen on the way back  
4 from going to Brooklyn when you started seventh grade in  
5 September of 2013?

6 A. We would stop at the Liquidators.

7 Q. What would happen when you would stop at the  
8 Liquidators?

9 A. He would continue to touch my bottom, breasts and  
10 vagina.

11 Q. And as you started the seventh grade and met these  
12 teachers, did you ever go to the defendant's room?

13 A. Yes.

14 Q. And in September of 2013, what, if anything, would  
15 happen when you would go to the defendant's room?

16 A. He would still continue to touch me.

17 Q. Now, Ms. Johnson, I'm going to ask you to think  
18 about seventh grade again. Did there come a time in October  
19 of your seventh grade year when you got a new phone?

20 A. Yes.

21 Q. Who bought you the phone?

22 A. He did.

23 Q. And who is "he"?

24 A. Mr. Ross.

25 Q. And how did you get the phone?



1 A. He bought it for me.

2 Q. And what kind of phone was it?

3 A. Like a Galaxy.

4 Q. Now, how often did you use the new phone that you  
5 received from Mr. Ross?

6 A. Very often.

7 Q. Did you use it every day?

8 A. Yes.

9 Q. And how often would you use it each day?

10 THE COURT: Would you use it all day?

11 THE WITNESS: Yes.

12 THE COURT: Next question.

13 MR. PERRI: Thank you, your Honor.

14 Q. And how often did you have that phone that Mr. Ross  
15 got you with you?

16 A. All the time.

17 MR. PERRI: Your Honor, I'm going to ask that  
18 the witness be shown People's 12.

19 (Handed to witness.)

20 Q. Ms. Johnson, do you recognize the envelope that is  
21 part of People's 12?

22 A. Yes.

23 Q. And do you recognize what the officer just took out  
24 of the envelope?

25 A. Yes.

1 Q. What do you recognize the items that the officer  
2 took out, what do you recognize them to be?

3 A. The first phone.

4 Q. How do you recognize that to be your first phone?

5 A. It has a scratched up back and a blue button.

6 Q. And do you recognize the scratches on the back?

7 A. Yes.

8 Q. And did you have an opportunity to examine this  
9 phone in the district attorney's office?

10 A. Yes.

11 Q. And was it inside that envelope when you did  
12 examine it at the district attorney's office?

13 A. Yes.

14 Q. And did you have an opportunity to power that phone  
15 on?

16 THE COURT: When?

17 Q. When you were at the district attorney's office,  
18 did you have an opportunity to power that phone on?

19 MR. ZERNER: Your Honor, objection. When was  
20 she in the district attorney's office, coupled with your  
21 objection?

22 THE COURT: Sustained.

23 Q. In January when you were at the district attorney's  
24 office of this year, did you have an opportunity to power  
25 that phone on?

1 A. Yes.

2 Q. And did you recognize any of the data or  
3 information on that phone?

4 A. Yes.

5 Q. What did you recognize?

6 A. The messages.

7 Q. When you say the messages, what do you mean?

8 A. The messages between me and Mr. Ross.

9 Q. And what kind of messages were there?

10 A. Text messages.

11 Q. And did you read those text messages?

12 A. Yes.

13 MR. PERRI: Your Honor, I ask that People's 12  
14 be moved into evidence.

15 THE COURT: Mr. Zerner.

16 MR. ZERNER: If I may have a brief voir dire  
17 with the item?

18 THE COURT: You may.

19 VOIR DIRE EXAMINATION

20 BY MR. ZERNER:

21 Q. Ms. Johnson, the last time you saw this phone was  
22 in January of this year?

23 A. Yes.

24 Q. Do you remember what day it was in January?

25 A. No.

1 Q. Was it early January?

2 A. I don't remember.

3 Q. When you saw the phone, you were with Mr. Perri?

4 A. Yes.

5 Q. Was anybody else there?

6 A. Kara.

7 Q. Kara, the victim's advocate?

8 A. Yes.

9 Q. Was anybody else there?

10 A. No.

11 Q. Your mother wasn't there?

12 A. No.

13 Q. And you were with Mr. Perri on February 1st also,  
14 right?

15 A. Yes.

16 Q. So there was a day in late January and a different  
17 day, February 1st of this year, yes?

18 A. Yes.

19 Q. Now, when Mr. Perri showed you this envelope, the  
20 white envelope with the orange sticker on it that's been  
21 marked as People's 12 for identification purposes, was the  
22 envelope sealed?

23 A. No.

24 Q. The white envelope was not sealed, right?

25 A. No.

1 Q. And it wasn't sealed just now when he gave it to  
2 you, right?

3 A. No.

4 Q. And it was not tied with this red string either,  
5 correct?

6 A. No.

7 Q. And inside of that envelope was a smaller Manila  
8 colored envelope too, correct?

9 A. Yes.

10 Q. And it has handwriting on the envelope?

11 A. Yes.

12 Q. Is that your handwriting on the envelope?

13 A. No.

14 Q. Was it sealed when Mr. Perri gave you this  
15 envelope?

16 A. No.

17 Q. And it wasn't sealed just now when he gave it to  
18 you either, right?

19 A. No.

20 Q. So you saw this envelope in January of 2016, right?

21 A. Yes.

22 Q. Did you also see this envelope in the summer of  
23 2015?

24 A. Repeat the question.

25 Q. Did you also see these envelopes in the summer of

1 2015?

2 A. Yes.

3 Q. At that point in time you were also with Mr. Perri?

4 A. Yes.

5 Q. And Mr. Perri showed you these envelopes and told  
6 you what was inside of them?

7 A. Yes.

8 Q. Prior to the summer of 2015, when was the last time  
9 you had seen the contents of these envelopes?

10 A. What do you mean?

11 Q. In December of 2014, is it true that you gave one  
12 or more telephones to Detective Toussaint?

13 A. Yes.

14 Q. That is true, correct?

15 A. Yes.

16 Q. Do you remember where you were when you gave  
17 Detective Toussaint these telephones?

18 MR. PERRI: Objection.

19 THE COURT: Sustained. This is voir dire,  
20 Mr. Zerner.

21 Q. How many telephones did you give Detective  
22 Toussaint in December of 2014?

23 A. Two.

24 Q. And were those two telephones the same as each  
25 other?

1 A. No.

2 Q. They weren't the same make and model?

3 A. No.

4 Q. They were not?

5 A. No.

6 Q. What was the difference between those two  
7 telephones?

8 A. The first one was a more beat up version. Like a  
9 more beat up, like it looked really dingy.

10 Q. So there are two phones, one is older and one is  
11 newer, correct?

12 A. Yes.

13 Q. But were they both Samsung phones?

14 A. Yes.

15 Q. Were they both gray and black in color? Gray and  
16 black?

17 A. No.

18 Q. What color was the first one?

19 A. The first one was gray. The second one was black.

20 Q. So the first one was just gray. The only color on  
21 it was gray, is that what you are saying?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. You are saying that the second phone was just  
25 black, no other color on it?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. Are you saying that the two phones were different,  
4 besides the age of the phones?

5 A. Yes.

6 Q. How were they different?

7 A. One -- the second phone, the camera had a more  
8 circular hole and the first one it was more square.

9 Q. I would like you to take a look at an item that was  
10 inside of People's 12 marked for identification and tell us  
11 the description of this camera that you are talking about  
12 just now in your testimony.

13 MR. PERRI: Objection.

14 THE COURT: Sustained.

15 Q. It's your testimony that the two phones are  
16 different in that the camera portion is different, is that  
17 your testimony?

18 A. Yes.

19 Q. And what distinguishes the phone in your hand from  
20 the other phone that you once owned?

21 MR. PERRI: Objection.

22 THE COURT: Ladies and gentlemen, it's  
23 probably time to take a break, okay, give you a couple  
24 of minutes just to stretch your legs, okay. Please  
25 remember my admonitions.



1 (Whereupon, the jury exited the courtroom.)

2 THE COURT: Millinia, I'm going to allow you  
3 to take a five-minute break. You are not allowed to  
4 talk to anybody about your testimony, but you can go  
5 outside and relax a little bit, okay.

6 THE WITNESS: Okay.

7 (Whereupon, the witness exited the courtroom.)

8 THE COURT: There was an objection with regard  
9 to the last question or line of questioning under this  
10 voir dire inquiry. The Court sustains the objection.

11 Mr. Zerner, this is simply limited in scope  
12 and fashion with regard to the identification of this  
13 particular piece of evidence. The witness has  
14 identified it as her phone, knowing that it was  
15 scratched and had a blue button on it. So, I don't know  
16 why we're going afield with your questioning.

17 I will give you the opportunity to respond.

18 MR. ZERNER: Thank you, your Honor. From the  
19 way Mr. Perri asked questions of Detective Toussaint  
20 when he first marked these items last week, it was clear  
21 to me that he was attempting to distinguish the two  
22 phones that one was quote, unquote "older," one was  
23 newer. There is actually a mark made on one of the  
24 documents that indicates that.

25 I believe I'm entitled to go into the two

1 different phones. I believe that the two different  
2 phones -- Mr. Perri is going to make an attempt to put  
3 the other phone into evidence in the same way, shape and  
4 form and I believe that what Mr. Perri is doing is  
5 leading the witness and assuming facts not in evidence  
6 and he's getting this witness --

7 THE COURT: In regard to the phone you are  
8 talking about?

9 MR. ZERNER: Well, yes. I'm limiting --

10 THE COURT: Limit it to that.

11 MR. ZERNER: I'm limiting my comments to the  
12 phone right now. I don't believe he's laid the proper  
13 foundation. I don't believe that the envelopes  
14 themselves were kept properly in the ordinary course of  
15 business either by the DA's office or by the police  
16 department or the combination of them. And I believe  
17 that I'm entitled to explore what the situation was with  
18 those items. I explored it to some extent with  
19 Detective Toussaint. I'm exploring it again now with  
20 the witness that is on the stand.

21 My concern is that Mr. Perri is going to put  
22 this item into evidence and then, because we're talking  
23 about an either/or situation, now he's going to rely on  
24 his leading questions to enter number 12 as the older  
25 phone and then he's going to get the other side of the

1 coin, so to speak, in with People's 13, which I expect  
2 is his next item of business.

3 THE COURT: My --

4 MR. ZERNER: I believe I'm entitled to this  
5 voir dire.

6 THE COURT: My recollection of testimony was  
7 that Mr. Perri asked the witness if she recognized what  
8 the item was and the witness testified that it's my  
9 first phone and then it was followed up with how do you  
10 recognize it to be your first phone and she explained  
11 that it had a scratched up back and blue button.

12 So, I'm going to limit your inquiry on voir  
13 dire. It's the Court's understanding that it's a very  
14 limited inquiry and the Court won't allow this  
15 anticipatory attack, if you will, with regard to the  
16 different phones. She's testified this is her first  
17 phone and she's identified it as such through various  
18 markings on the phone.

19 So, I'm going to limit your line of  
20 questioning and prohibit the line of questioning that  
21 you were just moving down. Your exception is noted for  
22 the record.

23 MR. ZERNER: Just so it's clear, you are  
24 limiting that at this point in time on voir dire, but  
25 when it's cross-examination I will have the opportunity

1 to fully go into these topics?

2 THE COURT: Well, we'll see about that,  
3 whether or not it's a proper area for cross-examination  
4 when the time comes.

5 The witness, please, and then the jury.

6 (Whereupon the witness returned to the witness  
7 stand and the jury entered the courtroom.)

8 THE CLERK: Let the record reflect the  
9 presence of the jury. All parties are present. Are the  
10 People ready?

11 MR. PERRI: Yes, your Honor.

12 THE CLERK: Defense?

13 MR. ZERNER: We are, thank you.

14 THE COURT: Ladies and gentlemen, there was a  
15 question that was posed, an objection was interposed and  
16 that objection is sustained. So, we'll move on.

17 Mr. Zerner.

18 MR. ZERNER: Nothing further on this issue at  
19 this time, your Honor. I do object to this item if it's  
20 being offered into evidence at this time.

21 THE COURT: Thank you, Mr. Zerner. That  
22 objection is overruled. Your exception is noted for the  
23 record and the item is received in evidence as People's  
24 12.

25 MR. ZERNER: Thank you, your Honor.

1 MR. PERRI: Your Honor, with respect to the  
2 marking of the exhibits, with respect to People's 7 and  
3 People's 12, they were previously in subject to the  
4 connection. The People would like the record to reflect  
5 the connection has been made through Millinia Johnson.

6 THE COURT: We were talking about 12.

7 MR. PERRI: People's 12 was the photograph of  
8 the phone, your Honor.

9 MR. ZERNER: I think he has it backwards, your  
10 Honor.

11 MR. PERRI: I apologize, your Honor, People's  
12 7.

13 THE COURT: So People's 12 is the phone that  
14 was offered to be received in evidence. The Court  
15 allows that.

16 MR. PERRI: Thank you, your Honor.

17 THE COURT: Because it was offered subject to  
18 connection. It's now in evidence.

19 Now, Mr. Perri, you have made mention of  
20 People's 7.

21 MR. PERRI: Yes, your Honor, which is a  
22 photograph of the same object. I would just ask that  
23 the record reflect that the connection has been made.  
24 It was in evidence subject to connection through  
25 Millinia Johnson, your Honor.

1 THE COURT: Okay. Well, has Ms. Johnson had  
2 the opportunity to view that exhibit?

3 MR. ZERNER: Your Honor, I do object. I don't  
4 think he actually laid the foundation that he actually  
5 laid.

6 THE COURT: Why don't you present the exhibit  
7 to the witness.

8 DIRECT EXAMINATION (Cont'd)

9 BY MR. PERRI:

10 Q. Ms. Johnson, please take a look at People's 7.

11 (Handed to witness.)

12 Q. Do you recognize People's 7, Ms. Johnson?

13 A. Yes.

14 Q. What do you recognize it to be?

15 A. The first phone.

16 Q. Is that a photograph --

17 THE COURT: I'm sorry, Mr. Perri.

18 Ms. Johnson, I have to ask you to speak into  
19 the microphone, okay, because even I am having trouble  
20 hearing you and we have to have the jurors in the last  
21 seat in the jury box be able to hear you, okay. So, you  
22 have to speak up.

23 THE WITNESS: Okay.

24 MR. ZERNER: Your Honor, if Mr. Perri could  
25 return to the lectern, he makes a better door than a

1 window. I can't see through him.

2 MR. PERRI: Your Honor, may we approach?

3 THE COURT: No, sir. As you continue your  
4 questions, I ask you stand at the lectern.

5 MR. PERRI: Yes, your Honor.

6 BY MR. PERRI:

7 Q. Ms. Johnson, do you recognize that photograph, that  
8 two-page document?

9 A. Yes.

10 Q. What do you recognize it to be?

11 A. The first phone.

12 Q. Now, Ms. Johnson --

13 MR. PERRI: I ask the witness be shown  
14 People's 12.

15 (Handed to witness.)

16 Q. Ms. Johnson, can you take the items out of People's  
17 12? Could you look at the back of the phone that is part of  
18 People's 12. And do you see numbers on the back of the  
19 phone?

20 A. Yes.

21 Q. And with respect to People's 7, are there numbers  
22 on People's 7?

23 A. Yes.

24 Q. And, Ms. Johnson, could you please compare the  
25 numbers in People's 12 to People's 7?

1 A. They look exactly the same.

2 MR. PERRI: Your Honor, I ask People's 7 be  
3 received in evidence so that the connection has been  
4 completed.

5 THE COURT: Any objection, Mr. Zerner?

6 MR. ZERNER: No objection.

7 THE COURT: Very good. Received in evidence.

8 Q. Ms. Johnson, did you have a phone before People's  
9 12, the phone you were just discussing?

10 A. Yes.

11 Q. And who got you that phone?

12 A. My uncle on my dad's side.

13 Q. Who was paying for that phone?

14 A. My uncle.

15 Q. Now, with respect to the new phone, People's 12, to  
16 your knowledge, who was paying for that new phone month to  
17 month?

18 A. The first phone?

19 Q. The first phone, People's 12 you were just  
20 examining.

21 A. Mr. Ross.

22 Q. And how did you know that Mr. Ross was paying for  
23 the phone?

24 A. He would tell me.

25 Q. Did you speak with Mr. Ross on that phone?



1 A. Yes.

2 Q. Did you text with Mr. Ross on that phone?

3 A. Yes.

4 Q. And was the defendant, Mr. Ross' contact  
5 information, was it stored in that phone?

6 A. Yes.

7 Q. And how was his contact information stored in that  
8 phone? Under what name was that contact information stored  
9 in that phone?

10 A. Ray Ray.

11 THE COURT: You have to speak up, okay.

12 THE WITNESS: Okay.

13 Q. What was the cell phone number associated with that  
14 contact, Ray Ray?

15 A. 516-537-6877.

16 Q. And did you ever call that number on that phone?

17 A. Yes.

18 Q. And who would pick up when you called that number?

19 A. He did.

20 Q. When you say "he," who do you mean?

21 A. Mr. Ross.

22 Q. And did you recognize the voice that picked up?

23 A. Yes.

24 Q. And whose voice was it?

25 A. His voice.

1 Q. And did you text the defendant, Mr. Ross?

2 A. Yes.

3 MR. ZERNER: Your Honor, I'm going to object  
4 to the leading.

5 THE COURT: Overruled.

6 Q. And what number would you text the defendant  
7 Mr. Ross at? What cell phone number would you use?

8 A. To text him?

9 Q. Yes.

10 A. I don't understand.

11 Q. Would you use the same number that you would call?

12 MR. ZERNER: Objection; leading.

13 THE COURT: Overruled.

14 A. Yes.

15 Q. How often would you call the defendant once you  
16 received the phone from him?

17 A. Very often.

18 Q. Did you call him every day?

19 A. Yes.

20 Q. Would you text the defendant?

21 A. Yes.

22 Q. And how often would you text the defendant?

23 A. All day.

24 Q. Is that multiple times in a day when you say all  
25 day?

1 A. Yes.

2 Q. And what was your cell phone number for that phone?

3 A. 516-514-4438.

4 Q. So after you received the phone from the defendant  
5 in October of 2013, what, if anything, did the defendant tell  
6 you about how he felt about you?

7 A. He said that he loves me.

8 Q. What, if anything, did the defendant say about your  
9 future?

10 A. He said that we will live in a house and he would  
11 buy me a car.

12 Q. At the time that you received the cell phone from  
13 the defendant, Mr. Ross, were you still going to Brooklyn?

14 A. Yes.

15 Q. And how often would you go to Brooklyn with the  
16 defendant?

17 A. Every weekend.

18 Q. And did anyone else go with you on these trips?

19 A. No.

20 Q. Did your Aunt Tara go with you on these trips?

21 A. No.

22 MR. ZERNER: Objection.

23 THE COURT: Overruled.

24 Q. Did any of your siblings go on these trips?

25 MR. ZERNER: Objection.

1 THE COURT: Overruled.

2 A. No.

3 Q. Now, in October of 2013 when you were in seventh  
4 grade, what, if anything, would happen on the way home from  
5 these trips to Brooklyn between you and the defendant,  
6 Mr. Ross?

7 A. We would stop at Liquidators.

8 Q. And what, if anything, would happen when you would  
9 stop at Liquidators?

10 A. He would park the truck and told me to get in the  
11 back seat.

12 Q. And what would happen when you would park the truck  
13 and get in the back seat in October of 2013?

14 A. He would go back there with me and he would pull my  
15 pants down halfway.

16 Q. And what, if anything, would happen after that in  
17 October of 2013?

18 A. He would touch me.

19 Q. Where would he touch you?

20 A. My breasts, my bottom, my vagina.

21 Q. Did this continue into November of 2013?

22 A. Yes.

23 Q. Did this continue in December of 2013?

24 A. Yes.

25 Q. Now, after the defendant got you the phone in

1 October, did you ever go again to his room at 301 Coventry?

2 A. Yes.

3 Q. Approximately how often would that happen in  
4 October of 2013?

5 A. Almost every day.

6 Q. And what, if anything, would happen when you would  
7 go to the defendant's room?

8 A. He would touch me.

9 Q. Can you please explain how he would touch you?

10 A. What do you mean?

11 Q. Could you please describe how the defendant would  
12 touch you when you would go into his room in October of 2013?  
13 What would happen?

14 A. He would rub my breasts and my bottom.

15 Q. And what, if anything else, would he do?

16 A. (No response.)

17 THE COURT: Would you like the question  
18 repeated?

19 THE WITNESS: Yes.

20 Q. When you would go to the defendant's room in  
21 October of 2013, you testified that he would touch your  
22 breasts and your vagina. What, if anything else, would  
23 happen when you would go to the defendant's room in October  
24 of 2013?

25 A. (No response.)

1 THE COURT: Mr. Perri, why don't you ask  
2 another question, please.

3 Q. When you would go into the room of the defendant in  
4 October of 2013, would there be anyone else there?

5 A. No.

6 Q. And where would you be when you would go into the  
7 defendant's room in October when you were in seventh grade?

8 A. On his bed.

9 Q. And where would the defendant be in October of  
10 seventh grade when you would go into his room?

11 A. On the bed.

12 Q. And what, if anything, would happen -- sorry,  
13 withdrawn.

14 Could you explain where you would be in relation to  
15 one another on the bed? Where on the bed would both of you  
16 be?

17 A. At the edge.

18 Q. And what, if anything, would happen once you were  
19 both at the edge of the bed?

20 A. I would be watching TV and he would touch me.

21 Q. And where would he touch you?

22 A. My bottom, my breasts.

23 Q. And what, if anything, would happen after that?

24 A. He would touch himself.

25 Q. And when he would touch your bottom and your

1 breasts, what would he touch your bottom and your breasts  
2 with?

3 A. His hand.

4 Q. And in October 2013 after you got the phone, did  
5 the defendant touch you with any other parts of his body?

6 A. Yes.

7 Q. What would he touch you with?

8 A. His --

9 Q. Ms. Johnson, you testified that he would touch you  
10 with parts of his body other than his hand. What do you mean  
11 by that? What other parts of his body would he touch you  
12 with?

13 MR. ZERNER: Objection; leading.

14 THE COURT: Overruled.

15 You can answer the question, ma'am.

16 A. (No response.)

17 THE COURT: Next question, Mr. Perri.

18 Q. Did this continue into November of seventh grade?

19 MR. ZERNER: Objection; vague.

20 THE COURT: Sustained.

21 Q. Did the conduct you already described, did it  
22 continue into November of seventh grade?

23 MR. ZERNER: Same objection.

24 THE COURT: Sustained, Mr. Perri.

25 Q. Ms. Johnson, you stated the defendant would touch

1 your breasts and would touch your vagina in October of 2013  
2 while you were in seventh grade. Did this continue into  
3 November of 2013 while you were in seventh grade?

4 MR. ZERNER: Objection; leading.

5 THE COURT: No, overruled.

6 A. Yes.

7 Q. Did it continue into December while you were in  
8 seventh grade?

9 A. Yes.

10 Q. Did you tell anyone, Ms. Johnson, about what was  
11 happening?

12 A. No.

13 Q. While it was happening, why didn't you tell anyone?

14 A. I was scared.

15 Q. Why were you scared?

16 A. He said he would call social services on my mom.

17 Q. And at that time through -- withdrawn.

18 At that time did you want to keep going on trips  
19 with the defendant?

20 A. Yes.

21 Q. At that time did you still want the defendant to  
22 pay for things?

23 A. Yes.

24 Q. Drawing your attention to December 30th of 2013,  
25 was there anything special about that date?



1 A. Yes.

2 Q. What's special about that date?

3 A. It's my birthday.

4 Q. And how old did you turn on that day?

5 A. Thirteen.

6 Q. And do you remember that birthday when you turned  
7 13?

8 A. Yes.

9 Q. What did you do that day?

10 A. I helped his daughter watch her kids.

11 Q. And when you say "his," who is the he in that  
12 sentence?

13 A. Mr. Ross.

14 Q. And who was his daughter, what's her name?

15 A. Kelly.

16 Q. And you say that you helped her watch her kids.  
17 What do you mean by that? What did you do?

18 A. I helped them with laundry.

19 Q. And where did you help them with the laundry?

20 A. At a laundromat.

21 Q. Where is the laundromat?

22 A. Valley Stream.

23 Q. How did you get to the laundromat in Valley Stream?

24 A. He drove me there.

25 Q. When you say "he," who drove you there?

1 A. Mr. Ross.

2 Q. And did you go anywhere after it, after being at  
3 the laundromat?

4 A. Yes.

5 Q. Where did you go?

6 A. To Brooklyn.

7 Q. And where did you go when you went to Brooklyn?

8 A. To his wife's house.

9 Q. When you say "his," who do you mean in that  
10 sentence?

11 A. Mr. Ross.

12 Q. Did you stay there overnight?

13 A. No.

14 Q. What did you do then later that day?

15 A. After I went to Brooklyn?

16 Q. Yes.

17 A. I went home.

18 Q. How did you get home?

19 A. His wife drove me.

20 Q. And --

21 MR. ZERNER: Your Honor, I didn't quite hear  
22 that last response.

23 THE COURT: Can you repeat it, Ms. Johnson?  
24 Please speak into the microphone.

25 THE WITNESS: His wife drove me.

1 Q. And when you got home, what, if anything, happened  
2 when you got home that day?

3 A. There was a party.

4 Q. Where was the party?

5 A. At my house.

6 Q. Who was there?

7 A. My family.

8 Q. And when you say your family, who do you mean?

9 A. My mom, brother, sisters and cousins.

10 Q. And what time of day was that birthday party?

11 A. Nighttime.

12 Q. So after your 13th birthday in January of 2014,  
13 would you go to Brooklyn with the defendant Mr. Ross?

14 A. Yes.

15 Q. How often would you go with Mr. Ross to Brooklyn  
16 after you turned 13?

17 A. Every weekend.

18 Q. And when you would go to Brooklyn -- sorry,  
19 withdrawn.

20 When you would come back from Brooklyn, would the  
21 same conduct as you have already described continue at  
22 National Wholesale Liquidators?

23 MR. ZERNER: Objection; vague.

24 THE COURT: Sustained as to the same type of  
25 conduct.

1 MR. PERRI: Yes, your Honor.

2 Q. With respect to the sexual conduct you have already  
3 testified about in the back of the truck between yourself and  
4 the defendant, Mr. Ross, did that continue when you would  
5 come home from going to Brooklyn in January of 2014?

6 A. Yes.

7 Q. Did that continue in February of 2014?

8 A. Yes.

9 Q. And in April -- sorry, March of 2014?

10 A. Yes.

11 Q. And in April of 2014?

12 A. Yes.

13 Q. In May of 2014?

14 A. Yes.

15 Q. And did that continue in June of 2014?

16 A. Yes.

17 Q. Now, after your 13th birthday, did there ever come  
18 a time where you and the defendant parked somewhere other  
19 than National Wholesale Liquidators on your way home from  
20 Brooklyn?

21 A. Yes.

22 Q. And where did you park?

23 A. The old Western Beef.

24 Q. Where is the old Western Beef?

25 A. West Hempstead.

1 MR. PERRI: I ask the witness be shown  
2 People's 20 for ID.

3 (Handed to witness.)

4 Q. Ms. Johnson, do you recognize People's 20 for  
5 identification?

6 A. Yes.

7 Q. What do you recognize it to be?

8 A. The old Western Beef.

9 Q. And is this the location you just testified you  
10 parked at?

11 A. Yes.

12 Q. Is there another Western Beef located in West  
13 Hempstead?

14 A. Yes.

15 Q. Now, is this photograph a fair and accurate  
16 depiction of the layout of the parking lot and the building  
17 at this location?

18 A. Yes.

19 THE COURT: When?

20 MR. PERRI: Today.

21 A. Yes.

22 Q. And did that location appear different in 2013?

23 A. Yes.

24 Q. And how is it different in 2013?

25 A. It had a big Western Beef sign on the building.

1 Q. And other than not having a sign on the building,  
2 is it a fair and accurate depiction of the layout of that  
3 location both today and in 2013?

4 A. Yes.

5 MR. PERRI: Your Honor, I ask that that be  
6 received into evidence.

7 THE COURT: Please show it to adversary  
8 counsel.

9 (Handed to counsel.)

10 MR. ZERNER: Brief voir dire, your Honor.

11 THE COURT: You may.

12 VOIR DIRE EXAMINATION

13 BY MR. ZERNER:

14 Q. Ms. Johnson, did you take this photograph?

15 A. No.

16 Q. Were you with the person who took the photograph?

17 A. No.

18 Q. Do you know what street this is on?

19 A. Yes.

20 Q. Is there anything on the photograph that indicates  
21 what street it's on?

22 A. No.

23 MR. PERRI: Objection.

24 THE COURT: The witness answered. She said  
25 no.

1 Q. When was the last time you were at this parking  
2 lot?

3 A. At that parking lot or passed it?

4 Q. When was the last time that you looked at this  
5 parking lot from the view that is shown in this photograph?

6 A. A couple of weeks ago.

7 Q. I'm sorry, I didn't hear you, the door was opening.

8 A. A couple of weeks ago.

9 Q. So in early February of 2016 you went there?

10 A. Yes.

11 Q. Who did you go there with?

12 A. My brother.

13 Q. Your brother took you to this parking lot?

14 A. Well, there is a laundromat over there, so.

15 Q. Well, there is a laundromat to the left or to the  
16 right?

17 MR. PERRI: Objection.

18 THE COURT: Overruled.

19 Do you need to look at the photograph, ma'am?

20 THE WITNESS: Yes.

21 Q. Take a look at what's been marked as People's 20  
22 for identification purposes and tell us if you see a  
23 laundromat in the photo.

24 (Handed to witness.)

25 A. Well, the laundromat is not in the photo.

1 Q. I'm sorry, the laundromat is not in the photo?

2 A. No.

3 Q. I'm sorry, if I can have that back.

4 So a few weeks ago your brother took you to the  
5 laundromat and the laundromat is near the old Western Beef?

6 MR. PERRI: Objection.

7 THE COURT: Overruled.

8 A. Yes.

9 Q. How near?

10 A. I don't know. It's like basically right next to  
11 it.

12 Q. But not pictured in the photograph?

13 A. Yeah.

14 Q. On the same side of the street?

15 A. Yes.

16 Q. And when you went with your brother to the  
17 laundromat, was anybody else with you?

18 A. My sister.

19 Q. Just one sister?

20 A. Yes.

21 Q. So the three of you went to do laundry?

22 A. Yes.

23 Q. When you were driving there, did you talk about the  
24 Western Beef parking lot?

25 MR. PERRI: Objection.



1 THE COURT: Sustained.

2 Q. Have you ever been to this location with any law  
3 enforcement official?

4 THE COURT: What do you mean?

5 MR. PERRI: Objection.

6 Q. Have you ever been there with a member of the  
7 district attorney's office?

8 THE COURT: Overruled.

9 A. No.

10 Q. Have you ever been there with any police officer?

11 A. No.

12 Q. Have you ever been there with any detective?

13 A. No.

14 Q. Now, it's your testimony that this is the old  
15 Western Beef parking lot, correct?

16 A. Yes.

17 Q. Is there anything in this photograph that has the  
18 words Western Beef on it?

19 A. No.

20 Q. And when you were there a couple of weeks ago, it's  
21 your testimony that there was nothing that said Western Beef  
22 on it, correct?

23 A. Yes.

24 Q. And you have lived in this neighborhood your whole  
25 life, right?

1 A. Yes.

2 Q. And it's your testimony that at some earlier date  
3 you have been to that parking lot?

4 A. Yes.

5 Q. And did the parking lot -- withdrawn.

6 Do you know what time of day this photograph was  
7 taken?

8 A. No.

9 Q. Do you know what year this photograph was taken?

10 A. No.

11 Q. But you know that there is nothing that indicates  
12 Western Beef, correct?

13 A. Yes.

14 Q. Nothing indicates Western Beef on this photograph?

15 A. Nothing.

16 Q. Have you been shown a photograph that shows what  
17 this place looked like if it looked differently in 2014?

18 A. No.

19 Q. Or in 2013?

20 A. No.

21 Q. Or in 2011?

22 A. No.

23 MR. PERRI: Objection.

24 THE COURT: The witness answered.

25 MR. ZERNER: Your Honor, I object to this

1 coming into evidence. There is no foundation for it.

2 THE COURT: Thank you, Mr. Zerner. The  
3 objection is overruled. The photograph is received in  
4 evidence.

5 (Whereupon, People's Exhibit 20 was received  
6 in evidence.)

7 COURT OFFICER: People's 20 in evidence.

8 MR. PERRI: Your Honor, People's 20 is on the  
9 presenter. Sorry, I forgot to ask permission, your  
10 Honor.

11 THE COURT: Okay. Continue.

12 DIRECT EXAMINATION (Cont'd)

13 BY MR. PERRI:

14 Q. Ms. Johnson, you testified that you went to that  
15 location, the old Western Beef parking lot, on the way back  
16 from Brooklyn with the defendant. Do you know why you went  
17 there instead of National Wholesale Liquidators?

18 A. There were too many people at Liquidators.

19 MR. ZERNER: I don't know what she just said,  
20 your Honor, I'm sorry.

21 THE COURT: Can you repeat your answer, ma'am?

22 A. There were too many people at Liquidators parking  
23 lot.

24 Q. Did you say that?

25 A. Yes.

1 Q. And who decided there was too many people at the  
2 National Wholesale Liquidators parking lot?

3 A. Mr. Ross.

4 Q. And when you parked at the Western Beef parking  
5 lot, what, if anything, happened when you parked there with  
6 the defendant?

7 A. (No response.)

8 Q. Ms. Johnson, did you remain in the front seat?

9 A. No.

10 MR. ZERNER: Objection. It's leading, your  
11 Honor.

12 THE COURT: Sustained.

13 Q. Ms. Johnson, what, if anything, happened in the  
14 car -- in the truck with the defendant at the Western Beef  
15 parking lot?

16 A. I would get in the back seat.

17 MR. ZERNER: Your Honor, I object. He asks a  
18 leading question, it's sustained and then he already  
19 indicated what he wants the witness to say.

20 THE COURT: There is an objection, Mr. Zerner?

21 MR. ZERNER: Yes.

22 THE COURT: The objection is overruled.

23 You can answer the question, Ms. Johnson.

24 Can you tell the Court and the jury what  
25 happened when you stopped at the old Western Beef

1 parking lot?

2 THE WITNESS: We would both get in the back  
3 seat and he would pull down my pants halfway and  
4 continue to touch my bottom, breasts and vagina.

5 Q. Did he touch your bottom, breasts and vagina with  
6 his hands?

7 A. Yes.

8 Q. Did he touch you with any other parts of his body?

9 A. Yes.

10 Q. What did he touch you with?

11 A. His mouth.

12 Q. Where did he touch you with his mouth?

13 A. My vagina.

14 Q. And did the defendant remain fully clothed?

15 A. No.

16 Q. What did he do with his clothes?

17 A. He pulled down his pants halfway.

18 Q. And what, if anything, did he do with his pants  
19 halfway down?

20 A. He would touch himself.

21 Q. And what, if anything, would happen after the  
22 defendant would touch himself eventually?

23 A. He would cum.

24 Q. Now, in February of 2014 did you continue to go to  
25 Brooklyn?

1 A. Yes.

2 Q. Did you continue to go to Brooklyn in March?

3 MR. ZERNER: Objection; asked and answered.

4 THE COURT: Sustained.

5 Q. How often each month would you go to Brooklyn  
6 during the second half of your seventh grade year?

7 A. Almost every weekend.

8 Q. During the second half of your seventh grade year,  
9 did you go back to the defendant's room?

10 A. Yes.

11 Q. And how often would you go to the defendant's room?

12 A. Almost every day.

13 Q. And would there be anyone else in the room when you  
14 were with the defendant?

15 A. No.

16 Q. And would the door be opened or closed?

17 A. Closed.

18 Q. Would your Aunt Tara be home?

19 A. No.

20 MR. ZERNER: Your Honor, objection. It's so  
21 vague. We don't know when we're talking about any of  
22 these things.

23 THE COURT: The objection is sustained.  
24 Please try to frame your questions to a particular  
25 period of time.

1 Q. When you were in the defendant's room alone with  
2 him with the door closed during the second half of your  
3 seventh grade year, would your Aunt Tara be home at those  
4 times?

5 MR. ZERNER: Objection. If the door was  
6 closed, how could she know?

7 THE COURT: Hold it, Mr. Zerner. Please just  
8 stand and indicate there is an objection. I don't need  
9 a reason.

10 Mr. Perri, please, you're offering in the  
11 premise of your questions numerous times, so please  
12 frame your questions to the particulars with regard to a  
13 time, a place and/or a point and then if you have to ask  
14 multiple questions, ask multiple questions.

15 Q. In February of 2014 when you were with the  
16 defendant in his room alone with the door closed, would your  
17 Aunt Tara be home?

18 MR. ZERNER: Objection.

19 THE COURT: If you know.

20 A. No.

21 Q. In March --

22 THE COURT: No, you don't know or no, she  
23 wouldn't be home?

24 THE WITNESS: No, she wouldn't be home.

25 MR. ZERNER: Your Honor, we're talking about a

1 28 day period.

2 THE COURT: Thank you, Mr. Zerner.

3 Q. In March when would you be alone with the defendant  
4 in his room with the door closed, to your knowledge, would  
5 your aunt be home?

6 A. No.

7 Q. In April would you go to the defendant's room?  
8 April 2014 would you go to the defendant's room?

9 MR. ZERNER: Objection; vague.

10 THE COURT: Overruled.

11 A. Yes.

12 Q. And would there be anyone else in the room when you  
13 would go there to see the defendant?

14 A. No.

15 Q. And would the door be opened or closed?

16 A. Closed.

17 Q. And in April of 2014, to your knowledge, would your  
18 Aunt Tara be home when you would go see the defendant alone  
19 in his bedroom?

20 A. No.

21 Q. Did this continue into May of 2014?

22 A. Yes.

23 Q. And did this continue into June of 2014?

24 A. Yes.

25 Q. Millinia, I'm going to ask you to think about June



1 and July, right at the end of your seventh grade year, June  
2 and July of 2014. Could you please describe to the jury your  
3 relationship with your mother at that time after you finished  
4 your seventh grade year?

5 A. It wasn't good.

6 Q. Could you please explain what you mean by it wasn't  
7 good? What was happening?

8 A. We would get into a lot of verbal fights.

9 Q. What were you fighting about?

10 A. About being able to go to Brooklyn.

11 Q. Why wouldn't you be able to go to Brooklyn?

12 A. Because she said so.

13 Q. Did you want to go to Brooklyn?

14 A. Yes.

15 Q. And when you say go to Brooklyn, is that with the  
16 defendant?

17 A. Yes.

18 Q. So when your mother told you you couldn't go with  
19 the defendant to Brooklyn anymore, how did that make you feel  
20 at the time?

21 A. Bad.

22 Q. Were you allowed to spend time with the defendant  
23 otherwise after you finished seventh grade?

24 A. What do you mean?

25 Q. Would your mother allow you to spend time with the

1 defendant at other times once you finished seventh grade?

2 Were you allowed to spend time with him?

3 A. No.

4 Q. And did your mother tell you that verbally?

5 A. Yes.

6 Q. Was the defendant present for when your mother told  
7 you you couldn't spend time with him?

8 A. No.

9 Q. Going back before this happened, Millinia, before  
10 you finished seventh grade but after your 13th birthday, were  
11 you ever alone in the defendant's room when your mother found  
12 you there?

13 A. Yes.

14 Q. And could you please explain to the jury what  
15 happened when your mother found you alone in the defendant's  
16 room?

17 A. She told me to get out and I'm not allowed to be  
18 around him no more.

19 Q. And was the defendant there when she said that?

20 A. Yes.

21 MR. ZERNER: I'm sorry, your Honor, I didn't  
22 hear the last answer.

23 THE COURT: Could you read back the answer?

24 (Whereupon, the penultimate answer was read  
25 back by the reporter.)

1 Q. When you went into the defendant's room that day,  
2 was the door opened or closed?

3 A. Closed.

4 Q. And when your mom came to the room, was the door  
5 opened or closed?

6 A. When she came in?

7 Q. Did she have to open the door?

8 A. Yes.

9 MR. ZERNER: Your Honor, I object to the  
10 witness asking --

11 THE COURT: Hold it, Mr. Zerner. The witness  
12 asked you to clarify your question.

13 MR. PERRI: I'm sorry, I didn't hear it that  
14 way, your Honor.

15 THE COURT: She said when she came in? So  
16 please clarify your question.

17 Q. When your mom came to the room, was the door opened  
18 or closed?

19 A. It was open.

20 Q. What happened when your mom came into the room?

21 A. She told me to get out.

22 Q. Where were you when your mother entered the room?

23 A. At the edge of the bed.

24 Q. And where was the defendant?

25 A. Laying down.

1 Q. Did your mother have to knock to come into the  
2 room?

3 A. Yes.

4 Q. Now, after that happened during the summer, did  
5 there come a time where you met up with the defendant in  
6 Hempstead Lake State Park?

7 MR. ZERNER: Objection; leading.

8 THE COURT: Overruled.

9 A. Yes.

10 Q. And could you please explain to the jury --  
11 withdrawn.

12 What were you doing in Hempstead Lake State Park  
13 that day?

14 A. At the park.

15 Q. What were you doing at the park?

16 A. Playing with my cousins.

17 Q. How did you get there?

18 A. Walked.

19 Q. And what was happening when you met up with the  
20 defendant?

21 MR. ZERNER: Objection; assumes facts not in  
22 evidence.

23 THE COURT: Sustained as to the form of the  
24 question.

25 Q. Did the defendant arrive at the park?

1 MR. ZERNER: Objection; leading.

2 THE COURT: Sustained.

3 Q. Did there come a time when you saw Ray Ross that  
4 day?

5 A. Yes.

6 Q. And where did you see Ray Ross, the defendant that  
7 day?

8 A. At the park.

9 Q. Where was he in the park?

10 A. He was by the entrance in his truck.

11 Q. What, if anything, happened after you saw the  
12 defendant by the entrance in his truck?

13 A. He gave me an icy.

14 Q. Did you speak with the defendant?

15 A. Yes.

16 Q. Did he speak with you?

17 A. Yes.

18 MR. ZERNER: Your Honor, objection. I believe  
19 that there was a question in front of the witness and  
20 then we read back her previous answer, but she never  
21 answered the question that was asked, which I believe  
22 was, was anybody else there.

23 THE COURT: Ladies and gentlemen, I know it's  
24 a little bit early for lunch, but I have other matters  
25 that I have to attend to not associated with the trial.

1 I'm going to take care of those now. This is probably a  
2 pretty good time to break.

3 With regard to Mr. Zerner's inquiry, we'll  
4 have the court reporter read back a couple of those  
5 questions after lunch, okay, and answers, of course.  
6 So, enjoy your lunch. Remember my admonitions. Please  
7 be back by 2:00 so we can get started right away, okay.

8 (Whereupon, the jury exited the courtroom.)

9 THE COURT: Millinia, you are allowed to break  
10 for lunch now, okay. Don't talk to anybody about your  
11 testimony, all right?

12 THE WITNESS: Okay.

13 THE COURT: Just go out and enjoy your lunch  
14 and we'll see you at 2:00.

15 (Whereupon, the witness exited the courtroom.)

16 THE COURT: Gentlemen, I have other matters I  
17 have to attend to. See you back here at 2:00.

18 With regard to Mr. Zerner's, objections, as I  
19 indicated to the jury, I'll have the court reporter, if  
20 she would, just read back that short period of  
21 testimony.

22 (A luncheon recess was taken.)

23 AFTERNOON SESSION

24 THE CLERK: Continued case on trial, People v.  
25 Ray Ross. The jury is not present. All parties are

1 present. Are the People ready?

2 MR. PERRI: Yes, your Honor.

3 THE CLERK: Defense ready?

4 MR. ZERNER: We are, thank you.

5 (Whereupon, the witness returned to the  
6 witness stand.)

7 COURT OFFICER: Jury entering.

8 (Whereupon, the jury entered the courtroom.)

9 THE CLERK: Let the record reflect the  
10 presence of the jury.

11 Are the People ready?

12 MR. PERRI: Yes, your Honor.

13 THE CLERK: Defense ready?

14 MR. ZERNER: We are, thank you.

15 THE COURT: Good afternoon, ladies and  
16 gentlemen of the jury. We're going to continue now. As  
17 you recall, I informed you that just before the break  
18 we're going to have the court reporter read back the  
19 last couple of questions and answers because it got a  
20 little bit jumbled.

21 (Whereupon, the requested testimony was read  
22 back by the reporter.)

23 THE COURT: Mr. Perri, please continue.

24 MR. PERRI: Thank you, your Honor.

25

1 DIRECT EXAMINATION (Cont'd)

2 BY MR. PERRI:

3 Q. Now, Millinia, before the break you testified that  
4 you went to the park with your cousins, to Hempstead Lake  
5 State Park, you went there with your cousins and the  
6 defendant, while you were at the park, gave you an icy.

7 Did the defendant give anyone else an icy that was  
8 with you when you were in the park?

9 A. No.

10 Q. And at about this time after your mom said you  
11 couldn't see the defendant, the same time as you saw the  
12 defendant in the park, were you still seeing the defendant?

13 A. Yes.

14 Q. Would you go to his room?

15 A. Yes.

16 Q. Now, Millinia, did there come a time in August of  
17 2014 when you no longer had the cell phone that you have  
18 already testified about and identified?

19 A. Yes.

20 Q. And could you please explain to the jury what  
21 happened to that cell phone?

22 A. My mom took it away from me.

23 Q. Could you please explain in more detail to the jury  
24 exactly how did your mom take it away from you?

25 A. While I was sleeping, she took it from under my



1 pillow.

2 Q. And how did you become aware -- how did you know  
3 your mom took the phone from you?

4 A. I couldn't find it anywhere.

5 Q. And did you speak to your mom about that?

6 A. Yes.

7 Q. And what, if anything, did your mother do with that  
8 cell phone?

9 A. She took it.

10 Q. And after she took it and had it, what, if  
11 anything, did she do with it?

12 MR. ZERNER: Objection; asked and answered.

13 THE COURT: No, overruled.

14 A. She took it to a detective.

15 Q. And before she took it to the detectives and when  
16 you spoke to her about it, what, if anything, happened with  
17 respect to the phone before she took it to the detectives and  
18 after she told you she had the phone?

19 A. What do you mean?

20 MR. PERRI: Withdrawn, your Honor.

21 Your Honor, I ask the witness be shown what's  
22 in evidence, subject to connection, as People's 10.

23 (Handed to witness.)

24 Q. Ms. Johnson, do you recognize People's 10?

25 A. Yes.

1 Q. And what do you recognize it to be?

2 A. Text messages.

3 Q. And could you look through that packet, please?

4 (Witness complied.)

5 Q. When you say --

6 THE COURT: Hold it.

7 MR. PERRI: Sorry.

8 Q. Ms. Johnson, when you say those are text messages,  
9 where are those text messages from?

10 A. My first phone.

11 Q. And who were those text messages between?

12 A. Me and Mr. Ross.

13 Q. And did you have an opportunity to go through that  
14 packet before today?

15 A. Yes.

16 Q. And did you go through that packet at the district  
17 attorney's office?

18 A. Yes.

19 Q. And could you please look at the back of that  
20 packet?

21 Do you recognize any markings in the back of that  
22 packet?

23 A. Yes.

24 Q. What do you recognize?

25 A. Signatures.

1 Q. And do you recognize the signatures?

2 A. Yes.

3 Q. And whose signatures do you recognize?

4 A. Mine and my mom's.

5 Q. Now, before you signed that packet, did you have a  
6 chance to look through each and every page of that packet?

7 A. Yes.

8 Q. Before you signed that packet did you have an  
9 opportunity to compare those photographs contained in that  
10 packet with the text messages on your first cell phone?

11 A. Yes.

12 Q. And when you compared the images contained in that  
13 packet with the text messages on your cell phone, what did  
14 you determine, if anything?

15 A. They were the same.

16 Q. And are the images in that packet fair and accurate  
17 depictions of all the text messages on your phone when your  
18 mom took it from you?

19 A. Yes.

20 Q. And does that packet appear to be in the same  
21 condition as when you -- same or similar condition as when  
22 you signed it?

23 A. Yes.

24 MR. PERRI: Your Honor, I ask that that packet  
25 of photographs be moved into evidence.

1 THE COURT: Please show adversary counsel.

2 (Handed to counsel.)

3 MR. ZERNER: Brief voir dire, your Honor?

4 THE COURT: You may.

5 VOIR DIRE EXAMINATION

6 BY MR. ZERNER:

7 Q. Ms. Johnson, did you transfer the images from your  
8 phone onto paper?

9 MR. PERRI: Objection.

10 THE COURT: Sustained as to the form of the  
11 question, Mr. Zerner.

12 Q. Ms. Johnson, did you make this packet of  
13 photographs of text messages that is 75 pages long?

14 A. Did I make it?

15 Q. Did you make it, yes?

16 A. No.

17 Q. Somebody else made it, right?

18 A. Yes.

19 Q. And when was the first time you saw it, as far as  
20 pages of paper?

21 A. What do you mean?

22 Q. When was the first time you saw it in this form as  
23 pages of paper rather than images on a cell phone?

24 A. I don't remember.

25 Q. Did you first see this in 2014?

1 A. No.

2 Q. Did you first see it in 2015?

3 A. Yes.

4 Q. Do you remember if it was in the summer of 2015?

5 A. I don't remember.

6 Q. Who first showed you this sheath of papers?

7 A. Anthony.

8 Q. Anthony Perri, the assistant district attorney?

9 A. Yes.

10 Q. And he showed it to you in his office?

11 A. Yes.

12 Q. Did he show you one sheath of papers or multiple  
13 sheaths of paper?

14 A. Multiple.

15 Q. He showed you this as well as how many others?

16 A. What do you mean?

17 Q. Well, did he show you any other printouts of text  
18 messages, yes or no?

19 MR. PERRI: Objection.

20 THE COURT: Sustained. Next question.

21 Q. When he showed you these pages in his office, did  
22 he tell you anything about these pages?

23 MR. PERRI: Objection.

24 THE COURT: Overruled.

25 A. What do you mean?

1 Q. Did he tell you why it was important?

2 MR. PERRI: Objection.

3 THE COURT: Sustained.

4 Q. What did he tell you about these pages?

5 MR. PERRI: Objection.

6 THE COURT: Overruled.

7 A. That they were text messages.

8 Q. He told you they were text messages?

9 A. No. Well, I saw that they were text messages.

10 Q. Did he tell you they were a complete set of text  
11 messages?

12 A. Yes.

13 Q. How do you know they're a complete set of text  
14 messages?

15 MR. PERRI: Objection.

16 THE COURT: Overruled.

17 Q. Please answer the question.

18 A. Because I compared them with the phone and the  
19 pictures.

20 Q. So the phone was given to Detective Toussaint back  
21 in December of 2014; is that fair to say?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. And then you didn't see the phone again until the  
25 summer of 2015; is that fair to say?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. You personally compared each and every text message  
4 from the cell phone to this sheath of papers?

5 A. What do you mean?

6 Q. The first time you saw these pages of paper,  
7 Anthony Perri showed it to you, correct?

8 A. Yes.

9 Q. That was in the district attorney's office in 2015,  
10 correct?

11 A. Yes.

12 Q. Was that in the summer of 2015?

13 MR. PERRI: Objection.

14 THE COURT: If you know. Do you recall?

15 THE WITNESS: I don't recall.

16 Q. Do you remember was this the same time you  
17 testified in the grand jury?

18 A. Yes.

19 Q. So now when you were in the room with Anthony  
20 Perri, who else was there?

21 MR. PERRI: Objection.

22 THE COURT: Mr. Zerner, we're trying to limit  
23 this as to a voir dire inquiry.

24 MR. ZERNER: That's exactly what I'm asking  
25 about here, Judge.

1 THE COURT: Objection sustained.

2 Q. How long did you spend comparing text messages that  
3 are physically on a cell phone to the pages that are printed  
4 out in People's 10 for identification purposes?

5 A. I don't remember.

6 Q. You said earlier on that you texted on a daily  
7 basis, correct?

8 MR. PERRI: Objection. Beyond the scope of  
9 voir dire, your Honor.

10 THE COURT: Sustained.

11 Q. Would it surprise you if there were multiple days  
12 that passed between texts on these pages and the next text on  
13 these pages?

14 MR. PERRI: Objection.

15 THE COURT: Sustained.

16 Q. Is it your testimony that every single text message  
17 between yourself and Ray Ross were printed out on these 75  
18 pages that are People's 10 for identification purposes?

19 MR. PERRI: Objection.

20 THE COURT: Sustained as to the form of the  
21 question.

22 MR. ZERNER: If I can rephrase then, your  
23 Honor.

24 Q. Ms. Johnson, you had the opportunity to physically  
25 have the cell phone in one hand, correct?



1 A. Yes.

2 Q. It was powered up?

3 A. Yes.

4 Q. And it was handed to you by ADA Perri?

5 A. Yes.

6 Q. And he said to you take a look at the text messages  
7 on the phone and compare them with the pages in this sheath  
8 of papers, correct?

9 A. Yes.

10 Q. And you went one by one and compared?

11 A. Yes.

12 Q. And you are saying that each and every text message  
13 that was in the phone is also on these pages?

14 A. Yes.

15 Q. None were skippeded?

16 A. No.

17 Q. None were duplicated?

18 A. No.

19 Q. You checked each and every one?

20 A. Yes.

21 Q. And you did this in a room, just you and Mr. Perri?

22 A. With Kara too.

23 Q. I'm sorry, I didn't hear what you said.

24 A. With Kara too.

25 Q. Kara, the victim's advocate?

1 A. Yes.

2 Q. Was your mom in the room also?

3 A. No.

4 Q. It was just the three of you in the room?

5 A. Yes.

6 Q. All right. And then Mr. Perri had you sign the  
7 back of this document?

8 A. Yes.

9 Q. But the date on the signature on this document is  
10 February 1st, 2016, correct?

11 A. Yes.

12 Q. So when did you sign this in the summer of 2015?

13 MR. PERRI: Objection.

14 THE COURT: Sustained.

15 Q. Did you sign it in the summer of 2015?

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 MR. ZERNER: Your Honor, I'll get more into it  
19 on cross, but I object to this being admitted into  
20 evidence at this time.

21 THE COURT: The objection is overruled.

22 People's 10 received in evidence subject to connection,  
23 so it's fully in evidence.

24 DIRECT EXAMINATION (Cont'd)

25 BY MR. PERRI:

1 Q. Millinia, Ms. Johnson, did your mother look at the  
2 text messages that are contained in People's 10, this packet  
3 that you just identified?

4 A. I don't know.

5 Q. What, if anything, happened between you and your  
6 mother after your mother took the phone from you?

7 A. I was mad.

8 Q. And why were you mad?

9 A. She took the phone.

10 Q. Did you have an argument?

11 A. Yes.

12 Q. And at that time was the defendant still living  
13 with you at 301 Coventry?

14 A. Yes.

15 Q. And was your aunt still living with you?

16 A. Yes.

17 Q. And after that argument, were you allowed to spend  
18 any additional time with the defendant, Mr. Ross?

19 A. No.

20 Q. I'm asking you to think about now September of 2014  
21 when you entered eighth grade. Was the defendant still  
22 living with you at that time?

23 A. Yes.

24 Q. And was your aunt still living with you?

25 A. Yes.

1 Q. And in September, the start of eighth grade,  
2 September of 2014, at that time did you have a cell phone  
3 that you could use?

4 A. No.

5 Q. And at that time were you going to Brooklyn with  
6 Mr. Ross, the defendant?

7 A. No.

8 Q. And at that time were you going to Mr. Ross, the  
9 defendant's bedroom?

10 A. No.

11 Q. And during that time when you didn't have a cell  
12 phone that you were allowed to use, were you texting or  
13 calling Mr. Ross, the defendant?

14 A. No.

15 Q. So, Ms. Johnson, I'm now asking you to think about  
16 October, the next month, 2014 when you are in eighth grade.  
17 Did there come a time where you got another cell phone?

18 A. Yes.

19 Q. And how did you get another cell phone?

20 A. He gave it to me.

21 Q. When you say he gave it to you, who is the "he" in  
22 that sentence?

23 A. Mr. Ross.

24 Q. And where did he give you that cell phone?

25 A. In my house.

1 MR. PERRI: Your Honor, I ask that the witness  
2 be shown People's 13.

3 (Handed to witness.)

4 Q. Now, Ms. Johnson, do you recognize People's 13, the  
5 envelope that's part of People's 13?

6 A. Yes.

7 Q. What do you recognize it to be?

8 A. The second phone.

9 Q. And the contents that were inside that envelope  
10 that the officer took out and put in front of you, do you  
11 recognize those items?

12 A. Yes.

13 Q. And collectively, what do you recognize them to be?

14 A. Wait, what's the question?

15 Q. Collectively, those items that came out, if you put  
16 them together, what do you recognize those items to be?

17 A. A phone.

18 Q. And which phone is that?

19 A. The second phone.

20 Q. And is that the phone you just testified about?

21 A. Yes.

22 Q. And is that the phone that the defendant gave you  
23 in October of 2014?

24 A. Yes.

25 Q. Ms. Johnson, I'm going to ask you to put the phone

1 together, if you would. Put the battery inside.

2 (Witness complied.)

3 Q. Ms. Johnson, I'm going to ask you to turn the phone  
4 on. Is it turning on?

5 A. It is.

6 Q. If you can just let me know when it actually is on,  
7 Ms. Johnson, thank you.

8 A. It's on.

9 Q. Ms. Johnson, could you open the phone or activate  
10 and enter into the phone?

11 A. Yeah.

12 Q. Could you please do that?

13 (Witness complied.)

14 Q. Could you please look at the messages on that phone  
15 or, Ms. Johnson, are there messages on that phone? Text  
16 messages.

17 A. Yes.

18 Q. Could you please open the location of the text  
19 messages?

20 (Witness complied.)

21 Q. Ms. Johnson, could you look at the text messages  
22 that are on that phone? Look through some of them.

23 (Witness complied.)

24 Q. Ms. Johnson, do you recognize the text messages  
25 that are on that phone?

1 A. Yes.

2 Q. And do you recognize the other contents and the  
3 appearance of that phone?

4 A. Yes.

5 Q. And what do you recognize that phone to be?

6 A. The second phone.

7 Q. And, Ms. Johnson, how do you know that that's not  
8 the first phone that you were shown?

9 A. Because it looks more newer and the camera is more  
10 circular.

11 THE COURT: The camera is more what?

12 THE WITNESS: Circular.

13 THE COURT: Please speak into the microphone.

14 Q. And who -- the text messages on that phone that you  
15 looked at, who are they addressed to?

16 A. What do you mean?

17 MR. PERRI: I'm sorry, I couldn't hear, your  
18 Honor.

19 THE COURT: What do you mean?

20 Q. The text messages on that phone, who were they sent  
21 to? Who is receiving them that were sent to that phone?

22 MR. ZERNER: Objection; vague.

23 THE COURT: Overruled.

24 A. My family.

25 Q. Do you recognize who those people are on that

1 phone?

2 A. Yes.

3 MR. PERRI: Your Honor, I ask that phone be  
4 received into evidence.

5 THE COURT: Please show adversary counsel.  
6 (Handed to counsel.)

7 MR. ZERNER: Brief voir dire, your Honor?

8 THE COURT: You may.

9 VOIR DIRE EXAMINATION

10 BY MR. ZERNER:

11 Q. Ms. Johnson, when was the last time you handled  
12 this phone that it was on and activated like it is now?

13 A. I don't remember.

14 Q. Well, you were in the DA's office on February 1st,  
15 right?

16 A. Yes.

17 Q. Was the phone put together and turned on on  
18 February 1st, 2016?

19 A. Yes.

20 Q. It was?

21 A. Yeah.

22 Q. And have you done that -- today is February 17th.  
23 Have you done it any time between February 1st and today?

24 A. No.

25 Q. I'm sorry?



1 A. No.

2 THE COURT: You have to speak into the  
3 microphone and raise your voice a little bit.

4 Q. So on February 1st you were at the DA's office,  
5 right?

6 A. Yes.

7 Q. You were in Mr. Perri's office?

8 A. Yes.

9 Q. And he showed you this white external envelope  
10 which has an orange sticker on it and it's marked People's 13  
11 for identification purposes, right?

12 A. Yes.

13 Q. And it was unsealed, correct?

14 A. Yes.

15 Q. It wasn't sealed either with the gummy substance or  
16 with the red string on it, right?

17 A. No.

18 Q. It was already open, right?

19 A. Yes.

20 Q. And your name doesn't appear on this white folder,  
21 right?

22 A. No.

23 Q. And then inside of that was this Manila colored  
24 smaller envelope, correct?

25 A. Yes.

1 Q. And it's not your handwriting on this envelope,  
2 correct?

3 A. No.

4 Q. And this envelope also is not sealed?

5 A. No.

6 Q. Now, the phone was in three pieces, right?

7 A. Yes.

8 Q. And Mr. Perri told you to put it together?

9 A. Yes.

10 Q. And he told you to turn it on?

11 A. Yes.

12 Q. And there are multiple text messages on this phone,  
13 correct?

14 A. Yes.

15 Q. And you have texted with more than one person,  
16 correct?

17 A. Yes.

18 Q. And who are some of the other people you texted  
19 with?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. When you got this phone in October of 2014, you had  
23 the same phone number on this phone as the phone number on  
24 the previous phone?

25 A. Yes.

1 Q. And this phone was slightly newer and slightly  
2 better?

3 A. Yes.

4 Q. It had a better camera on it?

5 A. Yes.

6 Q. You were glad to get this phone, right?

7 A. Yes.

8 Q. Now, do you know if this phone has been used to  
9 send or receive text messages in 2016?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. Do you know if this phone was used to send or  
13 receive text messages in 2015?

14 MR. PERRI: Objection.

15 THE COURT: Sustained.

16 Q. Did you personally speak with any members of either  
17 the district attorney's office or the Nassau County Police  
18 Department dealing with their technical unit?

19 MR. PERRI: Objection.

20 THE COURT: Sustained.

21 Q. Do you know the serial number to this phone?

22 A. No.

23 Q. Do you know the serial number to this phone?

24 A. No.

25 Q. Do you know the serial number to the older phone?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 MR. ZERNER: Your Honor, I object to this  
4 being moved into evidence.

5 THE COURT: The objection is overruled. The  
6 exhibit is received in evidence. People's 13.

7 COURT OFFICER: So marked.

8 MR. PERRI: Your Honor, I ask if the witness  
9 can be shown People's 6 in evidence subject to  
10 connection.

11 (Handed to witness.)

12 DIRECT EXAMINATION (Cont'd)

13 BY MR. PERRI:

14 Q. Ms. Johnson, do you recognize People's 6?

15 A. Yes.

16 Q. And what do you recognize it to be?

17 A. The second phone.

18 Q. And, Ms. Johnson, are there any numbers on that  
19 photograph, the second phone?

20 A. Yes.

21 Q. And is it a fair and accurate depiction of your  
22 second phone?

23 A. Yes.

24 MR. PERRI: Your Honor, I ask the witness also  
25 be shown People's 13 in evidence.

1 (Handed to witness.)

2 Q. Ms. Johnson, could you please take the phone apart.

3 (Witness complied.)

4 Q. Ms. Johnson, inside the phone, are there any  
5 numbers?

6 A. Yes.

7 Q. And could you please compare the numbers on the  
8 actual phone to those in the photograph?

9 A. They're the same.

10 Q. I'm sorry, when you compare those two numbers, did  
11 you determine anything?

12 A. That they are exactly the same.

13 Q. Thank you.

14 MR. PERRI: Your Honor, I ask that the record  
15 just reflect that the connection has been made in the  
16 photographs in People's 7, your Honor.

17 THE COURT: Was the jury able to hear the  
18 witness's last answer?

19 A JUROR: Yes.

20 THE COURT: Please show adversary counsel.

21 MR. ZERNER: No objection to the photograph,  
22 your Honor.

23 THE COURT: Very good. People's 6 in  
24 evidence.

25 MR. PERRI: Thank you, your Honor.

1 Q. Now, Ms. Johnson, with respect to the second phone  
2 you were just looking at, after receiving that phone in  
3 October of 2014 from Mr. Ross, did you communicate with him  
4 on that phone?

5 A. Yes.

6 Q. And did you call him on that phone?

7 A. Yes.

8 Q. Did you text with him on that phone?

9 A. Yes.

10 Q. Now, on voir dire you said that that phone had the  
11 same number as your previous phone; is that correct?

12 A. Yes.

13 Q. And did the defendant's phone number change?

14 A. No.

15 Q. And how often would you use that phone when you had  
16 it?

17 A. Very often.

18 Q. Would you use it every day?

19 A. Yes.

20 Q. Now, Ms. Johnson, did there come a time where that  
21 phone was taken from you?

22 A. Yes.

23 Q. And could you please explain to the jury how that  
24 phone, the second phone was taken from you?

25 A. My mom took it away from me.

1 Q. Now, when you first received the phone, did you  
2 tell your mom you got a second phone?

3 A. No.

4 Q. Did your mother know that you had a second phone,  
5 to your knowledge?

6 A. No.

7 Q. So how did your mother come to be aware that you  
8 had a second cell phone?

9 A. I called her.

10 Q. And why did you call her?

11 A. Because I had missed the school bus for school.

12 Q. And what, if anything, happened when you called  
13 her?

14 A. She told me to come home.

15 Q. And did you go home?

16 A. Yes.

17 Q. And what happened once you came home?

18 A. She took my phone.

19 Q. And after your mother took the phone, what, if  
20 anything, happened next?

21 A. She told me to open it.

22 Q. And did you, in fact, open it?

23 A. Yes.

24 Q. And after you opened the phone, what, if anything,  
25 happened after that?

1 A. She looked through the messages.

2 MR. PERRI: Your Honor, I ask that the witness  
3 be shown People's 11.

4 (Handed to witness.)

5 Q. Ms. Johnson, I'm going to ask you to look through  
6 that packet, that's People's 11, and look up when you are  
7 done examining it.

8 (Pause in the proceedings.)

9 Q. Ms. Johnson, do you recognize the documents that  
10 are in that packet?

11 A. Yes.

12 Q. And what do you recognize them to be?

13 A. Text messages.

14 Q. And when you say text messages, which text messages  
15 are you talking about?

16 A. Between me and Mr. Ross.

17 Q. And where were those text messages?

18 A. In the phone.

19 Q. And which phone were those text messages contained  
20 in that packet on?

21 A. The second phone.

22 THE COURT: What phone?

23 THE WITNESS: The second phone.

24 Q. Now, before coming to Court today, did you have an  
25 opportunity to look through that packet of photographs?



1 A. Yes.

2 Q. The documents?

3 A. Yes.

4 Q. And did you go through each and every page of that  
5 packet?

6 A. Yes.

7 Q. Did you read the contents of the text messages  
8 contained in that packet?

9 A. Yes.

10 Q. Before coming to Court today, did you have an  
11 opportunity to compare the photographs in that packet to the  
12 actual second cell phone when it was powered and turned on?

13 A. Yes.

14 Q. And after making that comparison, what were you  
15 able to determine about the photographs in that packet and  
16 the second cell phone when it was turned on?

17 MR. ZERNER: Objection; leading.

18 THE COURT: Overruled.

19 A. They were exactly the same.

20 Q. And could you please look at the back of the  
21 packet?

22 Do you recognize anything on the back of the  
23 packet?

24 A. Yes.

25 Q. What do you recognize?

1 A. Signatures.

2 Q. And which signatures do you recognize?

3 A. My mom's and I.

4 Q. And is that packet in the same or substantially  
5 similar condition as when you signed the back of that packet?

6 A. Yes.

7 Q. And did you sign that packet after going through it  
8 and comparing it to the phone?

9 A. Yes.

10 MR. PERRI: Your Honor, I ask that that packet  
11 be received into evidence.

12 THE COURT: Please show adversary counsel.

13 MR. ZERNER: Brief voir dire, your Honor?

14 THE COURT: You may.

15 VOIR DIRE EXAMINATION

16 BY MR. ZERNER:

17 Q. Ms. Johnson, you didn't create this packet,  
18 correct?

19 A. No.

20 Q. And you looked at this packet on February 1, 2016?

21 A. Yes.

22 Q. You did that at Mr. Perri's office?

23 A. Yes.

24 Q. And you did it at the same time as you went through  
25 the other packet of text messages?

1 A. Yes.

2 Q. And he told you to sign the back of it and put the  
3 date on it?

4 A. Yes.

5 Q. Who signed it first, you or your mom?

6 A. I did.

7 Q. Was your mom there the same date when you were  
8 going through these and signing it?

9 A. What do you mean?

10 Q. Was your mom with you at the district attorney's  
11 office on February 1st when you looked through these text  
12 message?

13 A. No.

14 Q. She wasn't with you?

15 A. She wasn't with me.

16 Q. How did you get to the DA's office?

17 A. Do you mean was I in the office with her or was she  
18 just in the building?

19 Q. The first question is was your mother with you in  
20 the building of the district attorney's office on February 1,  
21 2016, yes or no?

22 A. Yes.

23 Q. And was she also physically on the same floor in  
24 the building when you were speaking with Mr. Perri?

25 A. Yes.

1 Q. Was there one point in time when your mother,  
2 yourself, Mr. Perri were all in the room at the same time?

3 A. No.

4 Q. You were never in the room at the same time?

5 A. Yes, we were.

6 Q. So you were in the room at the same time?

7 A. Well, a room, not in the room.

8 Q. Was there ever any room in the district attorney's  
9 office on February 1, 2016 that included yourself, your  
10 mother and Mr. Perri, yes or no?

11 MR. PERRI: Objection.

12 THE COURT: Sustained.

13 Q. Were you shown this packet before February 1st,  
14 2016?

15 A. I don't remember.

16 Q. Were you shown a packet like this in 2015?

17 A. I don't remember.

18 Q. Do you remember testifying in the grand jury?

19 A. Yes.

20 Q. That was in the summer of 2015?

21 A. Yes.

22 Q. Before you testified in the grand jury in the  
23 summer of 2015, you met with Mr. Perri?

24 MR. PERRI: Objection.

25 THE COURT: Overruled.

1 Q. Please answer the question, Ms. Johnson.

2 A. Yes.

3 Q. And when you met with Mr. Perri, he showed you a  
4 similar packet of pages, correct?

5 A. Yes.

6 Q. Just like People's 11 for identification purposes,  
7 right?

8 MR. PERRI: Objection.

9 THE COURT: Mr. Zerner, this is voir dire, so  
10 I'm going to limit your inquiry with regard to different  
11 packets. We're talking about this particular packet.

12 Q. On February 1st, 2016 did you have the opportunity  
13 to power up the phone that we were just looking at and  
14 compare and contrast all of the cell phone text messages in  
15 that cell phone with all 30 pages that are contained in  
16 People's 11?

17 A. Yes.

18 Q. And you looked through one by one?

19 A. Yes.

20 Q. And there was nothing added?

21 A. No.

22 Q. And there was nothing omitted?

23 A. No.

24 Q. Meaning left out.

25 A. No.

1 Q. Now, the previous packet you had, you're the name  
2 of the receiving person on these text messages, correct?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 Q. Is there a name of who was receiving these text  
6 messages in this packet of pages?

7 MR. PERRI: Objection.

8 THE COURT: Sustained.

9 Q. Were you in the room, were you present when the  
10 photos of these text messages were taken?

11 MR. PERRI: Objection.

12 THE COURT: No, overruled.

13 You can answer.

14 A. No.

15 Q. So you were given this packet of pages and told to  
16 look at them, correct?

17 A. Yes.

18 Q. Did Mr. Perri give you any packets of pages that  
19 were not relevant to the case?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. Did you look through any text messages that were  
23 sent or received by anybody besides Ray Ross?

24 MR. PERRI: Objection.

25 THE COURT: Sustained.

1 Q. Was your mother physically in the room with you as  
2 you went through the text messages one by one?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 MR. ZERNER: Your Honor, I object to these  
6 being admitted into evidence.

7 THE COURT: The objection is overruled.  
8 People's 11 received in evidence.

9 You may continue, Mr. Perri.

10 MR. PERRI: I ask if the witness can step down  
11 so she can view the presenter.

12 THE COURT: Millinia, just follow the  
13 direction of the court officer.

14 DIRECT EXAMINATION (Cont'd)

15 BY MR. PERRI:

16 Q. Ms. Johnson, I placed on the stand what's in  
17 evidence as People's 11. Is this a photograph of the second  
18 cell phone that you received from the defendant?

19 A. Yes.

20 Q. And whose number appears at the top? Whose cell  
21 phone number appears at the top?

22 A. His.

23 Q. When you say "his," who do you mean?

24 A. Mr. Ross.

25 Q. And can you just explain to the jury by color which

1 text messages are you receiving and which text messages are  
2 going out?

3 A. I'm receiving the yellow ones and I'm sending the  
4 blue ones.

5 Q. Ms. Johnson, I'm going to ask you to stay right  
6 there for one more moment.

7 MR. PERRI: Your Honor, may I just place on  
8 the presenter People's 10 for identification -- People's  
9 10 in evidence?

10 Q. Now, Ms. Johnson, do you recognize the text  
11 messages on this page?

12 A. Yes.

13 Q. And what phone are these text messages from?

14 A. The first one.

15 Q. And could you please explain to the jury which text  
16 messages, by their location either coming from the right side  
17 or coming from the left side, which text messages are going  
18 in and which text messages are going out?

19 A. The text messages on the right side are going out  
20 and the text messages on the left side are coming in.

21 Q. And at the top where you see the name, the words  
22 Ray Ray, can you explain what that means?

23 A. It's his contact name.

24 Q. Whose contact name when you say he?

25 A. Mr. Ross.



1 Q. And the number below that, do you recognize that?

2 A. Yes.

3 Q. And whose number is that? Whose cell phone number?

4 A. Mr. Ross.

5 Q. Thank you.

6 MR. PERRI: Your Honor, the witness can go  
7 back, thank you.

8 Q. Now, Ms. Johnson, did there come a time after your  
9 mother discovered the second cell phone and took it from you  
10 when the defendant, Mr. Ross, moved out of the house?

11 A. What was the question?

12 Q. Did there come a time after your mom took from you  
13 the second cell phone when the defendant, Mr. Ross, moved out  
14 of the house?

15 A. I don't understand.

16 Q. When your mom took that cell phone, the second cell  
17 phone, when your mom took that second cell phone from you,  
18 was the defendant still living with you at 301 Coventry?

19 A. Yes.

20 Q. Did there come a time later where he no longer was  
21 living with you?

22 A. Yes.

23 Q. Now, the days after your mother found the second  
24 cell phone, on or about October 20, 2014, did you go to the  
25 district attorney's office with her?

1 A. Yes.

2 Q. And did you want to go?

3 A. No.

4 Q. While you were at the district attorney's office,  
5 did you give a written statement?

6 A. Yes.

7 Q. Did you put everything that happened to you in your  
8 written statement?

9 A. No.

10 Q. Why not?

11 A. Because it was awkward and I was embarrassed.

12 Q. At that point when you went to the district  
13 attorney's office with your mother, how did you feel about  
14 your mother at that point?

15 A. What do you mean?

16 Q. Emotionally, how did you feel when you went to the  
17 district attorney's office?

18 A. (No response.)

19 THE COURT: Why don't you rephrase the  
20 question, Mr. Perri?

21 MR. PERRI: Yes, your Honor.

22 Q. Were you happy to go to the district attorney's  
23 office?

24 A. No.

25 Q. And were you happy that your mother brought you to

1 the district attorney's office?

2 A. No.

3 Q. Drawing your attention to December of 2014, did  
4 there come a time where you met a Detective Toussaint of the  
5 Nassau County Police Department?

6 A. Yes.

7 Q. And at that time was the defendant living with you  
8 at 301 Coventry?

9 A. No.

10 Q. Were you in contact with the defendant when you met  
11 with Detective Toussaint?

12 A. No.

13 Q. Where did you meet Detective Toussaint?

14 A. His car.

15 Q. Is Detective Toussaint a man or a woman?

16 A. A man.

17 Q. And when you met with Detective Toussaint in his  
18 car, was your mother there?

19 A. Yes.

20 Q. Did there come a time where you spoke with  
21 Detective Toussaint in the car?

22 A. Yes.

23 Q. Were there any other female detectives or police  
24 officers with Detective Toussaint?

25 A. No.

1 Q. And when you spoke with Detective Toussaint, did  
2 your mother stay in the car?

3 A. Yes.

4 Q. Did there come a time where your mother left the  
5 car?

6 A. Yes.

7 Q. After your mother left the car, did Detective  
8 Toussaint continue to speak with you?

9 A. Yes.

10 Q. Did he ask you questions?

11 A. Yes.

12 Q. Did you answer his questions?

13 A. Yes.

14 Q. Did you want to answer his questions?

15 A. No.

16 Q. Why not?

17 A. It was really awkward.

18 Q. Did you tell Detective Toussaint everything that  
19 happened to you?

20 A. No.

21 Q. Why didn't you?

22 A. I didn't want to.

23 Q. Did there come a time that day when you signed a  
24 typewritten statement with Detective Toussaint?

25 A. Yes.

1 Q. Did you type that statement?

2 A. No.

3 Q. Did you sign that statement?

4 A. Yes.

5 Q. Did you read the statement before you signed it?

6 A. Yes.

7 Q. When you signed that statement, was your mother  
8 with you?

9 A. Yes.

10 Q. While you were with Detective Toussaint that day,  
11 did your mother give the detective anything?

12 A. Yes.

13 Q. What did your mother give the detective?

14 A. The two phones.

15 Q. And when you say the two phones, which two phones?

16 A. The first and second phone.

17 Q. Now, are those the phones that you testified to  
18 about here today?

19 A. Yes.

20 Q. Drawing your attention to July of 2015, did there  
21 come a time when you met with the district attorney's office?

22 A. Yes.

23 Q. And when you came to the district attorney's office  
24 that time, did you want to go to the district attorney's  
25 office?

1 A. No.

2 Q. And did you have to testify that day?

3 MR. ZERNER: Objection; leading.

4 THE COURT: Overruled.

5 A. Yes.

6 Q. And did you want to testify?

7 A. No.

8 Q. And when you met with the district attorney's  
9 office, who did you meet with?

10 A. You.

11 Q. And was there anyone else there?

12 A. Kara.

13 Q. And is Kara a man or a woman?

14 A. A woman.

15 Q. And when you came to the district attorney's  
16 office, was your mother in the same building?

17 A. Yes.

18 Q. And when you met with Kara and I, was your mother  
19 in the room?

20 A. No.

21 Q. Was your mother in the grand jury with you?

22 A. No.

23 MR. PERRI: Nothing further, your Honor.

24 THE COURT: Mr. Zerner.

25 MR. ZERNER: Thank you, your Honor.

1 THE COURT: Before you start, ladies and  
2 gentlemen, everybody okay? No one needs a break.

3 Okay, continue, Mr. Zerner.

4 MR. ZERNER: Thank you, your Honor.

5 CROSS-EXAMINATION

6 BY MR. ZERNER:

7 Q. Ms. Johnson, please describe your mother's reaction  
8 in October of 2014 when she caught you with that cell phone?

9 A. She was mad.

10 Q. Please describe how mad she was.

11 A. Angry like.

12 Q. Sorry, say that again?

13 A. Angry, like really mad.

14 Q. I'm sorry, I can't hear you.

15 A. Angry. Really mad.

16 Q. She was angry?

17 A. Yes.

18 Q. On a scale of one to ten, how angry was she?

19 A. Like a seven.

20 Q. A seven?

21 A. Yes.

22 Q. Has she punished you in the past when she was  
23 angry?

24 MR. PERRI: Objection.

25 THE COURT: No, overruled.

1 A. What do you mean?

2 Q. When you misbehave, does your mother punish you,  
3 yes or no?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. Is your mother the person that disciplines you?

7 MR. PERRI: Objection.

8 THE COURT: Overruled.

9 Q. Please answer the question.

10 A. Yes.

11 Q. And how does she punish you when she disciplines  
12 you?

13 MR. PERRI: Objection.

14 THE COURT: No, Mr. Perri, overruled.

15 A. Like sometimes I can't hang out with my friends.

16 Q. So sometimes the punishment is that you cannot hang  
17 out with your friends, is that what you said?

18 A. Yes.

19 Q. What kind of offense had you done when your  
20 mother's punishment was you could not hang out with your  
21 friends?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. Has your mother ever disciplined you in a physical  
25 way?



1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. Aside from punishing you and not letting you hang  
4 out with your friends, what other punishments would your  
5 mother give to you when you misbehave?

6 MR. PERRI: Objection.

7 THE COURT: Overruled.

8 A. She --

9 THE COURT: Why don't you offer another  
10 question, Mr. Zerner.

11 MR. ZERNER: Your Honor, I think it's  
12 important that this one be answered. If she can have it  
13 read back to her, please.

14 THE COURT: Mr. Zerner, I'm asking you to  
15 offer a new question.

16 MR. ZERNER: Sorry, your Honor, I'll come back  
17 to that one.

18 Q. Ms. Johnson, who is Robert Jones?

19 MR. PERRI: Objection.

20 THE COURT: Sustained.

21 Q. Ms. Johnson, who is Rafael Mickens?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. Ms. Johnson, what's your father's name?

25 A. Rafael Mickens.

1 Q. Does Rafael Mickens have a brother?

2 A. Yes.

3 Q. What's his first name?

4 A. George.

5 Q. It's your Uncle George?

6 A. Yes.

7 Q. Are they both in your life?

8 A. What do you mean?

9 Q. Do you have contact with them?

10 A. No.

11 Q. You have no contact with your father, Rafael  
12 Mickens?

13 A. No.

14 Q. When was the last time you saw your father, Rafael  
15 Mickens?

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 Q. Now, on direct testimony you described two  
19 different cell phones that Mr. Perri showed you. Do you  
20 remember that?

21 A. Yes.

22 Q. One is older and one is newer?

23 A. Yes.

24 Q. But you actually had a phone before the old phone,  
25 correct?

1 A. Yes.

2 Q. So actually these phones should be phone number two  
3 and phone number three, correct?

4 MR. PERRI: Objection.

5 THE COURT: No, overruled.

6 Q. Please answer the question, ma'am.

7 THE COURT: If you were going to describe the  
8 phones, did you have a phone earlier than the one that  
9 you have described as your first phone?

10 THE WITNESS: Yes.

11 Q. Who got you that phone, Ms. Johnson?

12 A. My uncle.

13 Q. Your Uncle George?

14 A. Yes.

15 Q. Your father Rafael's brother, right?

16 A. Yes.

17 Q. Is George married?

18 MR. PERRI: Objection.

19 THE COURT: Sustained.

20 Q. Are you George's only niece?

21 MR. PERRI: Objection.

22 THE COURT: Sustained.

23 Q. Do you remember the day that George Mickens got you  
24 your first phone?

25 MR. PERRI: Objection.

1 THE COURT: Overruled.

2 Q. Please answer the question.

3 MR. PERRI: Your Honor, I would ask if the  
4 Court could please direct the witness, as opposed to  
5 defense counsel, as you previously instructed.

6 THE COURT: Thank you, Mr. Perri.

7 A. March.

8 Q. I can't hear you, ma'am?

9 A. March.

10 Q. I'm sorry, are you saying the month of March?

11 A. Yes.

12 Q. I'm sorry, you said you got the phone in March of  
13 what year?

14 A. 2011 I want to say.

15 Q. In March of 2011 your uncle got you a phone?

16 A. Yes.

17 Q. This is Uncle George Mickens?

18 A. Yes.

19 Q. Your father's brother?

20 A. Yes.

21 Q. Do you remember physically where you got that  
22 phone?

23 MR. PERRI: Objection.

24 THE COURT: Sustained.

25 Q. Do you remember going with your father and your

1     uncle to a cell phone store in Jamaica, Queens and getting a  
2     phone for the first time, yes or no?

3                     MR. PERRI:  Objection.

4                     THE COURT:  Sustained.

5             Q.     Could you please tell us about that first phone  
6     that you got in 2011?

7                     MR. PERRI:  Objection.

8                     THE COURT:  Sustained.

9             Q.     When you got your first phone in 2011, to the best  
10    of your knowledge, did your uncle or your father discuss that  
11    with your mother before getting it for you?

12                    MR. PERRI:  Objection.

13                    THE COURT:  Overruled.

14             A.     I don't remember.

15             Q.     When you brought that phone home, did you show it  
16    to your mother?

17             A.     Yes.

18             Q.     Did your tell your mother what the cell phone  
19    number was?

20             A.     Yes.

21             Q.     At that point in time did your mother have a cell  
22    phone?

23             A.     Yes.

24             Q.     At that point in time were you glad to have this  
25    cell phone?

1 A. Yes.

2 Q. Is it fair to say you were one of the youngest of  
3 your friends to get a cell phone?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. So you started using that phone in March of 2011,  
7 correct?

8 A. Yes.

9 Q. And to the best of your knowledge, the bill was  
10 being paid by your Uncle George Mickens?

11 A. Yes.

12 Q. And did there come a point in time when your Uncle  
13 George or your dad, Rafael Mickens told you that they would  
14 no longer be able to pay for the phone?

15 A. Yes.

16 Q. I'm sorry, what did you say?

17 A. Yes.

18 Q. And when were you told that?

19 A. I don't remember.

20 Q. Was it later in 2011?

21 A. Yes.

22 Q. So later in 2011 you were told that that phone  
23 would no longer be paid for by either George or Rafael  
24 Mickens, right?

25 A. Yes.

1 Q. But the phone still worked, right?

2 A. Yes.

3 Q. Who started paying for the phone then?

4 A. Mr. Ross.

5 Q. So Ray Ross started paying for that phone, right?

6 A. Yes.

7 Q. This is long before any talent show that you danced  
8 in in March of 2013, right?

9 A. Yes.

10 Q. It was in 2011, right?

11 A. Yes.

12 Q. So the phone was being paid for and it was still on  
13 and you could still use it to text your friends and call your  
14 friends, right?

15 A. Yes.

16 Q. That was a good thing, right?

17 A. Yes.

18 Q. Was there ever a point in time when you were living  
19 at 301 Coventry Road North that your mother was not living in  
20 that house?

21 MR. PERRI: Objection.

22 THE COURT: Overruled.

23 A. No.

24 Q. Your mother lived in that house every month of  
25 every year of your life, is that your testimony?

1 A. Yes.

2 Q. There was never a point in time when she lived with  
3 Sherman Roberts in Queens?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. Do you know who Sherman Roberts is?

7 MR. PERRI: Objection.

8 THE COURT: Sustained.

9 Q. You have a little sister, right?

10 A. Yes.

11 Q. What's her name?

12 A. Sherima.

13 Q. Who is her father?

14 MR. PERRI: Objection.

15 THE COURT: Sustained.

16 Q. It's true that Sherman Roberts is the father of  
17 your little sister?

18 MR. PERRI: Objection.

19 THE COURT: Sustained.

20 Mr. Zerner, please move on from that line of  
21 questioning.

22 Q. Was there ever a point in time in your life that  
23 you did not personally live at 301 Coventry Road North, you  
24 personally?

25 MR. PERRI: Objection.



1 THE COURT: Overruled.

2 A. No.

3 Q. I'm sorry?

4 A. No.

5 Q. So you always lived in that house, right?

6 A. Yes.

7 Q. And there was some points in time when your  
8 grandmother lived there and some points in time when she  
9 didn't, right?

10 A. Yes.

11 Q. And there was some points in time when your big  
12 brother lived there and some points in time when he didn't,  
13 right?

14 A. No.

15 Q. No? Your big brother always lived there?

16 A. Yes.

17 Q. What about your dad, Raefie Mickens, did he  
18 sometimes live there and sometimes not?

19 A. Yes.

20 Q. And there was sometimes when Robert Jones lived  
21 there and sometimes when he didn't?

22 THE COURT: Sustained.

23 Q. Were there sometimes when Sherman Roberts lived  
24 there and sometimes when he didn't?

25 THE COURT: Sustained.

1 Q. Has there ever been a point in time when your  
2 mother was looking to discipline you, she was angry at you  
3 and she punished you?

4 MR. PERRI: Objection.

5 THE COURT: Overruled.

6 A. What do you mean?

7 Q. Have you ever misbehaved in the house?

8 MR. PERRI: Objection.

9 THE COURT: Sustained as to the form of the  
10 question.

11 Q. Have there ever been times when your mother has  
12 disciplined you for misbehaving?

13 MR. PERRI: Objection.

14 THE COURT: Overruled.

15 A. Yes.

16 Q. Could you tell us an example of how your mother  
17 disciplined you?

18 MR. PERRI: Objection.

19 THE COURT: That was asked and answered  
20 earlier, Mr. Zerner.

21 MR. ZERNER: I think this is when I was told  
22 to move on, your Honor. I'm trying to get back to that  
23 line of questioning.

24 THE COURT: Sustained. Next question.

25 Q. Who is Tara Johnson?

1 A. My aunt.

2 Q. And is it fair to say that she lived with you at  
3 301 Coventry Road North from as early as you can remember  
4 until the end of 2015?

5 A. Yes.

6 Q. She's your mother's sister?

7 A. Yes.

8 Q. She's a nice lady?

9 A. Yes.

10 Q. And she helps you out with things?

11 A. Yes.

12 THE COURT: The answer was yes. Next  
13 question.

14 Q. What were some of the things that Tara Johnson  
15 would help you with?

16 A. What do you mean?

17 Q. I'll ask you this: Were there times when you were  
18 upset with your mother? You described earlier, when  
19 Mr. Perri was asking you questions, there were times when you  
20 and your mother didn't get along. Those times would you go  
21 to Aunt Tara and talk to her?

22 MR. PERRI: Objection.

23 THE COURT: Overruled.

24 A. No.

25 Q. You never talked to your Aunt Tara when you and

1 your mother were not getting along?

2 A. Yes.

3 Q. And what were some of the things that she would  
4 help you with?

5 MR. PERRI: Objection, your Honor.

6 THE COURT: No, overruled.

7 A. She wouldn't really help me, she would just talk to  
8 me.

9 Q. And talking to you wasn't helpful?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. Were there times that you would talk to your father  
13 when you were not getting along well with your mother?

14 MR. PERRI: Objection.

15 THE COURT: Overruled.

16 A. No.

17 Q. So when you weren't getting along with your mother,  
18 who would you turn to to talk to, if anybody?

19 MR. PERRI: Objection.

20 THE COURT: Sustained.

21 Q. You described earlier on that in August of 2014 you  
22 and your mother were not getting along, correct?

23 A. Yes.

24 Q. And you said that your mother took away your cell  
25 phone, right?

1 A. Yes.

2 Q. And you were sleeping with your cell phone under  
3 your pillow?

4 A. Yes.

5 Q. Was it plugged in while you were sleeping with it  
6 under your pillow?

7 A. Yes.

8 Q. Now, you described earlier on that the way the  
9 layout was at 301 Coventry Road North, that you would sleep  
10 downstairs along with your sister?

11 A. Yes.

12 Q. Or was it both sisters?

13 A. My sister.

14 Q. One sister or both sisters?

15 A. One sister.

16 Q. And your mother slept downstairs, right?

17 A. Yes.

18 Q. And sometimes you would keep late hours, right?

19 A. What do you mean?

20 Q. Well, we saw some of the text messages would be at  
21 2:30 in the morning, 3:00 in the morning, right?

22 A. Yes.

23 Q. Is that fair to say?

24 A. Yes.

25 Q. You did that even when you had school the next

1 morning?

2 A. No.

3 Q. You only did that on the weekends and holidays?

4 A. Yeah.

5 Q. You never made phone calls during the week?

6 A. What do you mean?

7 Q. Well, wouldn't you make late night phone calls or  
8 late night text messages during the school week during the  
9 school year?

10 A. No.

11 Q. But you slept with the phone underneath your  
12 pillow, right?

13 A. Yes.

14 Q. Did your mother know that?

15 A. Yes.

16 Q. She knew you were sleeping with the phone under  
17 your pillow?

18 A. Yes.

19 Q. Was she happy about that?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. Do you remember your mother's reaction when she  
23 knew that you had a phone under your pillow?

24 MR. PERRI: Objection.

25 THE COURT: Sustained.

1 Q. Did your mother have a cell phone in 2014?

2 MR. PERRI: Objection.

3 THE COURT: Overruled.

4 A. Yes.

5 Q. She did?

6 A. Yes.

7 Q. Who paid for that phone?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 Q. Were there times when your mother's cell phone was  
11 turned off?

12 A. No.

13 Q. You never remember your mother losing service on  
14 her cell phone?

15 A. Yes, she did.

16 Q. You do remember that? Yes?

17 A. Yes.

18 Q. And did she ever take your cell phone to use when  
19 her cell phone was turned off?

20 A. No.

21 Q. She never did that?

22 A. No.

23 Q. She never borrowed your cell phone?

24 A. No.

25 Q. Did you ever offer to let her use your cell phone?

1 A. No.

2 Q. Was there a house phone at 301 Coventry Road North?

3 A. No.

4 Q. There was no phone, like a landline in the house,  
5 right?

6 A. No.

7 Q. And there were many different people living there  
8 and many of them had their own cell phones, right?

9 A. Yes.

10 Q. So like your big brother's 22 years old, he had his  
11 own cell phone, right?

12 A. Yes.

13 Q. And your Aunt Tara had a phone, right?

14 A. Yes.

15 Q. And you had some cousins living there from time to  
16 time, right?

17 A. Yes.

18 Q. And they had phones?

19 A. Yes.

20 Q. So your mother was okay with you having a phone  
21 sometimes and other times she used it as a punishment,  
22 correct?

23 A. Yes.

24 MR. PERRI: Objection.

25 THE COURT: The witness answered the question.



1 Next question.

2 Q. How many television sets were there at 301 Coventry  
3 Road North?

4 A. What do you mean?

5 Q. How many television sets were in the structure, the  
6 home that you have lived in your whole life?

7 A. Throughout the whole house?

8 Q. Yes, throughout the whole house.

9 A. Six.

10 Q. There are six televisions in the house right now?

11 A. No.

12 Q. How many are there right now?

13 A. Four.

14 Q. And how many of them are connected where they can  
15 actually receive programming?

16 THE COURT: Can you rephrase your question,  
17 Mr. Zerner?

18 MR. ZERNER: Yes, thank you, your Honor.

19 Q. It's your testimony that right now at your home  
20 there are four television sets, yes or no?

21 A. Yes.

22 Q. Of those four television sets, how many of them are  
23 operating where you can look at and watch television shows?

24 A. All of them.

25 Q. All of them are receiving. Is there cable TV or

1 satellite TV?

2 A. Yes.

3 Q. Which one is it, cable or satellite?

4 MR. PERRI: Objection.

5 THE COURT: If you know.

6 Q. If you know.

7 A. I don't know.

8 Q. Now, in 2013 how many televisions were receiving  
9 programming in that home?

10 A. One.

11 Q. One, right?

12 A. Yes.

13 Q. And that was physically located where?

14 A. In Ray's room.

15 Q. Well, when you say Ray's room, Ray and Aunt Tara  
16 shared a home, correct?

17 A. Yes.

18 Q. And there was only one television that worked and  
19 that was located in their room, correct?

20 A. Yes.

21 Q. Is it fair to say that many people that lived in  
22 the house would watch TV in Ray and Tara's room, yes or no?

23 A. Yes.

24 Q. You like watching TV, right?

25 A. Yes.

1 Q. And your brother likes watching TV?

2 A. No.

3 Q. Your brother doesn't like to watch TV?

4 A. Not in there.

5 Q. Well, if there was only one TV in the house and he  
6 wanted to watch TV, that was the only place he could go in  
7 the house, correct?

8 MR. PERRI: Objection.

9 THE COURT: Overruled.

10 A. At that time he didn't watch TV.

11 Q. In 2013 your brother didn't watch TV, is that your  
12 testimony?

13 A. Yes.

14 Q. Now, in 2013 did your little sister like to watch  
15 TV?

16 A. Yes.

17 Q. And when she wanted to watch TV, there was only one  
18 TV in the house, correct?

19 A. Yes.

20 Q. So she would watch TV in Aunt Tara's room?

21 A. Yes.

22 Q. How about your older sister, did she like to watch  
23 TV in 2013?

24 A. Yes.

25 Q. And there would be times when she would watch TV in

1 Aunt Tara and Uncle Ray's room?

2 A. Yes.

3 Q. Did you call him Uncle Ray or Ray Ray? How did you  
4 refer to my client?

5 A. Ray Ray.

6 Q. You called him Ray Ray, right?

7 A. Yes.

8 Q. And Ray Ray would sometimes buy you ices?

9 A. Yes.

10 Q. And sometimes he would buy everybody ices, right?

11 A. Yes.

12 Q. And sometimes he would buy everyone ice cream,  
13 right?

14 A. Yes.

15 Q. And sometimes he would buy everybody dinner, right?

16 A. No.

17 Q. You never saw Ray Ray buy everybody dinner?

18 A. Not everybody.

19 Q. You never saw that happen?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Next question.

23 Q. Did you ever see Aunt Tara buy everybody dinner?

24 MR. PERRI: Objection.

25 THE COURT: Who is everybody, Mr. Zerner?

1 MR. ZERNER: I'll break that down.

2 Q. Did your Aunt Tara ever buy you and your siblings  
3 dinner?

4 MR. PERRI: Objection.

5 THE COURT: Sustained as to Aunt Tara. It's  
6 irrelevant. Next question.

7 MR. ZERNER: I'm sorry, Judge, I didn't catch  
8 that.

9 THE COURT: Irrelevant, Aunt Tara, so next  
10 question.

11 Q. Did Ray Ross ever buy you and your siblings dinner?

12 A. Yes.

13 Q. Yes, right?

14 A. Yes.

15 Q. On more than one occasion, right?

16 A. Yes.

17 Q. So now you spoke on direct examination about trips  
18 that you would take into Brooklyn, do you remember that?

19 A. Yes.

20 Q. And now you know that Ray Ross is divorced from  
21 Paula Ross, correct?

22 A. Yes.

23 Q. So when you refer to Paula Ross, Paula Ross is his  
24 ex-wife, not his wife, correct?

25 A. Yes.

1 Q. And, in fact, Ray Ross has been in a relationship  
2 with your Aunt Tara since before you were born, right?

3 A. Yes.

4 Q. Your whole life you will remember Ray and Tara  
5 being in a relationship, right?

6 A. Yes.

7 Q. And so now Ray Ross still gets along with his  
8 ex-wife Paula, right?

9 A. Yes.

10 Q. And you would see Paula on these trips to Brooklyn,  
11 right?

12 A. Yes.

13 Q. And these trips to Brooklyn would generally be on  
14 Saturdays, right?

15 A. Yes.

16 Q. And they would never be overnight trips, correct?

17 A. No.

18 Q. And, in fact, on Sundays Ray and Aunt Tara would go  
19 to church, correct?

20 MR. PERRI: Objection.

21 THE COURT: Overruled.

22 If you know.

23 A. Sometimes, yeah.

24 Q. Well, sometimes you would go to church with them,  
25 right?

1           A.    With them?  Not with them.  With Aunt Tara, not  
2 with him.

3           Q.    Well, Aunt Tara and Ray went to the same church,  
4 correct?

5           A.    Yes.

6           Q.    Do you know the name of the church?

7           A.    No.

8           Q.    But you have been there, right?

9           A.    Yes.

10          Q.    So you are saying that sometimes you would  
11 physically go to church, you and Aunt Tara, and then you  
12 would see Ray at church?

13          A.    Yes.

14          Q.    That's what you are saying?

15          A.    Yes.

16          Q.    And if you know, approximately how many times a  
17 month did Aunt Tara go to church?

18                   MR. PERRI:  Objection.

19                   THE COURT:  Sustained.

20          Q.    About how many times a month did Ray go to church?

21                   MR. PERRI:  Objection.

22                   THE COURT:  Sustained.

23          Q.    About how many times a month did you go to church?

24                   MR. PERRI:  Objection.

25                   THE COURT:  Sustained.

1 Q. Now, on Saturdays when you would go to Brooklyn,  
2 did your mother ever tell you in 2013 that she doesn't want  
3 you to go to Brooklyn, in 2013?

4 MR. PERRI: Objection.

5 THE COURT: No, overruled.

6 A. I don't remember.

7 Q. In 2013 did you ever tell your mother I don't want  
8 to go to Brooklyn, I want to stay home with you?

9 A. No.

10 Q. And when you went to Brooklyn, you would spend time  
11 with Ray's children, correct?

12 A. Yes.

13 Q. And how many children does Ray have?

14 A. Three.

15 Q. And is it a son and two daughters?

16 A. Yes.

17 Q. And you got along with them, right?

18 A. Yes.

19 Q. You cared for them?

20 A. Yes.

21 Q. And they cared for you?

22 A. Yes.

23 Q. And, in fact, earlier on when Mr. Perri was showing  
24 you the text messages from your second phone, it seemed like  
25 the very first thing you asked for when you had a second



1 phone was for the phone numbers for Justyn and Jasmyn and  
2 Kelly Ross; is that correct?

3 A. Yes.

4 Q. So you cared for them, right?

5 A. Yes.

6 Q. And they cared for you?

7 A. Yes.

8 Q. And you would spend time with them in Brooklyn?

9 A. Yes.

10 Q. And Paula Ross would be there also, right?

11 A. Yes.

12 Q. Is it fair to say that Paula Ross would sometimes  
13 style your hair?

14 A. Yes.

15 Q. And is it fair to say she would frequently style  
16 your hair?

17 MR. PERRI: Objection.

18 THE COURT: No, overruled.

19 A. Yes.

20 Q. And that was important to you?

21 A. Yes.

22 Q. You were glad for Paula to do this for you?

23 A. Yes.

24 Q. Did your mother ever give you any money to give to  
25 Paula to thank her for doing your hair?

1 A. No.

2 Q. Did you ever make her a card or make her a little  
3 present to thank her for doing your hair?

4 A. No.

5 Q. But did you thank her verbally for doing your hair?

6 A. Yes.

7 Q. And you were glad for that, right?

8 A. Yes.

9 Q. If you had to pay for that, it would be expensive,  
10 right?

11 A. Yes.

12 Q. And it was nice of Paula to do this for you?

13 A. Yes.

14 THE COURT: Ladies and gentlemen, we're going  
15 to take a break now. We've been going for a good hour,  
16 hour and 30 minutes. The court reporter needs a break  
17 and I'm sure everyone else needs a couple of minutes.  
18 So, five minutes. We'll call you right back because we  
19 have a full day of testimony.

20 (Whereupon, the jury exited the courtroom.)

21 THE COURT: Millinia, you can take a short  
22 break, too. Remember not to talk to anybody about your  
23 testimony while you are on break, okay?

24 THE WITNESS: Okay.

25 (Whereupon, the witness exited the courtroom.)

1 THE COURT: Five minutes.

2 (A recess was taken.)

3 (Whereupon, the witness and the jury entered  
4 the courtroom.)

5 THE CLERK: Continued case on trial, People v.  
6 Ray Ross. All parties are present, as is the jury.  
7 Ms. Johnson, you are still under oath.

8 THE COURT: Welcome back, ladies and  
9 gentlemen. I'm sure the court reporter thanks you for  
10 the indulgence.

11 Mr. Zerner, you may continue.

12 MR. ZERNER: Thank you, your Honor.

13 BY MR. ZERNER:

14 Q. Ms. Johnson, today is not the first time you have  
15 met with ADA Perri, correct?

16 A. Yes.

17 Q. It is the first time you have met with ADA Perri?

18 A. No.

19 Q. You have met him many times?

20 A. Yes.

21 Q. Do you remember the first time you met him?

22 A. No.

23 Q. Do you remember whether Mr. Perri was the first ADA  
24 you have met or was there somebody before him?

25 A. I don't know.

1           Q.    You don't remember an ADA named Thurer that you met  
2 with?

3           A.    No.

4           Q.    So Mr. Perri asked you some questions before about  
5 the first time you came to the DA's office. That would have  
6 been in the fall of 2014?

7           A.    Yes.

8           Q.    Is that right? You remember that?

9           A.    Yes.

10          Q.    And you came here with your mom?

11          A.    Yes.

12          Q.    And it wasn't in this building, but one of the  
13 other buildings in this complex, right?

14          A.    Yes.

15          Q.    And you and your mom came here. How did you get  
16 here?

17                If you remember, did you take a bus, take a cab?

18          A.    I don't remember.

19          Q.    All right. And you spoke to an ADA, but not  
20 Mr. Perri that day, right?

21          A.    I don't know.

22          Q.    Now, did there come a point in time after that when  
23 you met with anybody from the Nassau County Police  
24 Department, including Detective Toussaint?

25          A.    I don't remember.

1 Q. So Detective Toussaint might have been the first  
2 Nassau County police official that you personally spoke with?

3 A. Yes.

4 Q. Now, the date that Detective Toussaint came to your  
5 home, do you remember talking to your mother and her telling  
6 you that somebody was going to come and talk with you, yes or  
7 no?

8 A. No.

9 Q. You don't remember her telling you that?

10 A. No.

11 Q. And there came a point in time when you and your  
12 mom were home and your mother said come outside with me?

13 A. No.

14 Q. Well, do you remember Detective Toussaint knocking  
15 on your door?

16 A. No.

17 Q. Do you remember Detective Toussaint ringing the  
18 bell at 301 Coventry Road North?

19 A. No.

20 Q. Do you remember if Detective Toussaint ever  
21 actually entered your home?

22 A. He never.

23 Q. He never came in the house, right?

24 A. No.

25 Q. Do you remember why he didn't come in the house?

1 A. No.

2 Q. Is it fair to say your mother doesn't have a lot of  
3 guests in the home?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. So there was some day when your mother told you  
7 hey, come on outside with me; is that right?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 Q. You remember there was a day in December of 2014  
11 when you and your mom spoke with Detective Toussaint in his  
12 car, right?

13 A. Yes.

14 Q. And do you remember whether that car was a marked  
15 police car or an unmarked police car?

16 A. I don't remember.

17 Q. But you do remember talking with him in his car?

18 A. Yes.

19 Q. Do you remember whether it was light out or dark  
20 out?

21 A. It was dark out.

22 Q. It was dark out, right?

23 A. Yes.

24 Q. It was around December 10th and the sun goes down  
25 pretty early that time of year, right?

1 A. Yes.

2 Q. So you remember going into his car and you sat in  
3 the back, right?

4 A. Yes.

5 Q. Was it one of those police cars where, you know,  
6 you couldn't exit the vehicle because the doors didn't have  
7 handles on it? Do you remember that?

8 A. No.

9 Q. Did it have a barrier between where you were  
10 sitting in the back and the driver and the front passenger  
11 compartment?

12 A. I don't remember.

13 Q. You don't remember.

14 But your mother sat in the front, right?

15 A. Yes.

16 Q. And Detective Toussaint was sitting in the driver's  
17 seat?

18 A. Yes.

19 Q. Right.

20 And you were sitting in the back?

21 A. Yes.

22 Q. And did you speak with Detective Toussaint right  
23 outside of your home?

24 A. No.

25 Q. Was there a driveway at your house?

1 A. Yes.

2 Q. And was there a car in the driveway?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 Q. So, when you and your mother were in Detective  
6 Toussaint's car, did he drive away from the front of your  
7 house?

8 A. Yes.

9 Q. Do you remember why?

10 A. No.

11 Q. You don't remember your mother telling him that she  
12 wanted to speak somewhere else?

13 MR. PERRI: Objection.

14 THE COURT: Overruled.

15 A. Yes, I do.

16 Q. I couldn't hear you.

17 A. Yes, I do. I remember that.

18 Q. So you remember your mother telling Detective  
19 Toussaint please drive away, I don't want the neighbors  
20 knowing what's going on?

21 MR. PERRI: Objection.

22 THE COURT: Sustained.

23 Q. What do you remember your mother telling Detective  
24 Toussaint?

25 MR. PERRI: Objection; hearsay.



1 THE COURT: Overruled.

2 A. Like can we drive, like can you drive up the block.

3 Q. And he cooperated and drove up the block, right?

4 A. Yes.

5 Q. And you live very close to Hempstead Lake State  
6 Park, right?

7 A. Yes.

8 Q. The street actually ends at the park, correct?

9 A. Yes.

10 Q. Did the detective speak with you inside the park?

11 A. No.

12 Q. Where did he drive to, if you remember?

13 A. I don't remember.

14 Q. Do you know the name of the elementary school that  
15 you went to?

16 A. Maurice W. Downing.

17 Q. Do you know what street that is on?

18 A. No.

19 Q. Was it in the parking lot of that school that you  
20 had this conversation with Detective Toussaint?

21 A. No.

22 Q. But it was in the parking lot of a different  
23 school, correct?

24 A. No. Oh, wait. Yes, yes, yes, actually. Yes, it  
25 was.

1 Q. So you were in a dark parking lot, it was after  
2 sundown on December 10th and there was first a conversation  
3 between yourself, your mother and Detective Toussaint,  
4 correct?

5 A. Yes.

6 Q. And the three of you spoke about Ray Ross?

7 A. Yes.

8 Q. And did it feel like it was important to your  
9 mother to tell Detective Toussaint what was going on?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. At that point in time Ray Ross was no longer living  
13 in your home, correct?

14 A. Yes.

15 Q. Yes, he was no longer living in your home, right?

16 A. Yes.

17 THE COURT: Correct.

18 MR. ZERNER: Thank you, Judge.

19 Q. So Tara was still living in the house at that  
20 point, right?

21 A. Yes.

22 Q. And your grandmother was not living in the house,  
23 right?

24 A. No.

25 Q. Now, did there come a point in time when the three

1 of you were in the vehicle, it was Detective Toussaint, your  
2 mother and you, the three of you were talking and Detective  
3 Toussaint was taking notes?

4 A. I don't remember.

5 Q. You don't remember if he had kind of a pad where he  
6 was jotting down notes?

7 A. No.

8 Q. You don't remember?

9 A. I don't remember.

10 Q. Maybe he was, maybe he wasn't?

11 MR. PERRI: Objection.

12 THE COURT: The witness said she doesn't  
13 remember. Next question.

14 Q. So did there come a point in time when Detective  
15 Toussaint asked your mother to leave the vehicle?

16 A. Yes.

17 Q. And do you remember what he said?

18 A. He asked me if it would be better if my mom was not  
19 in the car with us.

20 Q. And what did you say?

21 A. I said yes.

22 Q. So you thought it was better to speak with  
23 Detective Toussaint one on one?

24 A. Yes.

25 Q. And at that point in time you had the opportunity

1 to tell Detective Toussaint anything and everything you  
2 wanted to tell him, right?

3 A. Yes.

4 Q. And there was no time limit on how long you would  
5 speak, right?

6 A. No.

7 Q. Did Detective Toussaint offer to take you back to  
8 the precinct?

9 A. Huh?

10 Q. Did Detective Toussaint offer to take you back to  
11 the police precinct that he was based out of?

12 A. No.

13 Q. Did Detective Toussaint offer to take you to a  
14 coffee shop or a restaurant to have this conversation?

15 A. No.

16 Q. Where in the car was Detective Toussaint when it  
17 was just you and him in the vehicle?

18 A. In the driver's seat.

19 Q. He was still in the driver's seat?

20 A. Yes.

21 Q. And did you move up into the front seat?

22 A. Yes.

23 Q. You moved up into the front seat?

24 A. Yes.

25 Q. Did he suggest you move into the front seat?

1 A. Yes.

2 Q. So he said come on up here?

3 A. He said, I can't hear you back there. Can you come  
4 to the front seat?

5 Q. Oh. And you did come up to the front seat, right?

6 A. Yes.

7 Q. So then you sat where your mother had previously  
8 been sitting?

9 A. Yes.

10 Q. Do you remember where your mother was as the two of  
11 you were having this conversation?

12 A. She was in the parking lot.

13 Q. Was she close to the car or far from the car?

14 A. She was kind of far.

15 Q. She was kind of far?

16 A. Yes.

17 Q. So she couldn't hear you having a conversation in  
18 the car with Detective Toussaint, right?

19 A. Yes, she couldn't.

20 Q. Right. So you had the opportunity to tell  
21 Detective Toussaint whatever you wanted to tell him at that  
22 point in time and he was taking notes as you had this  
23 conversation, right?

24 A. Yes.

25 Q. He had a pad at that point in time?

1 A. I don't remember.

2 Q. Well, he was writing things down, right?

3 MR. PERRI: Objection.

4 THE COURT: Sustained. The witness said she  
5 doesn't remember.

6 Q. Do you remember how long you had this conversation  
7 with Detective Toussaint?

8 A. No.

9 Q. How did that conversation end?

10 A. I don't remember.

11 Q. Well, there came a point in time when your mother  
12 got back into the vehicle, right?

13 A. Yes.

14 Q. Where did your mother sit?

15 A. In the back seat.

16 Q. So your mother got into the back seat and Detective  
17 Toussaint drove you and your mother back to your home?

18 A. Yes.

19 Q. And later that evening he came back to the house?

20 A. No.

21 Q. Did there come a point in time when you were shown  
22 a typed written document?

23 A. Yes.

24 Q. Was it later that night?

25 A. No.

1 Q. Was it the next day?

2 A. I don't remember, but I know it was during that  
3 time frame. It was a different day, but I don't know if it  
4 was the next day.

5 Q. So later on Detective Toussaint came back with a  
6 typed written document for you to look at?

7 A. Yes.

8 Q. And where did you look at this document?

9 A. In the car.

10 Q. Well, did he knock on the door to let you know that  
11 he was back?

12 A. No.

13 Q. Did he ring the bell to tell you he was back?

14 A. No.

15 Q. How did you know Detective Toussaint had returned?

16 A. My mom told me.

17 Q. And did you exit the house and go with your mother  
18 back to Detective Toussaint's car?

19 A. Yes.

20 Q. And did you sit in the car?

21 A. Yes.

22 Q. And was it dark out?

23 A. No.

24 Q. It wasn't dark out when he returned?

25 A. No.

1 Q. And you are saying it was a different day?

2 A. Yes.

3 Q. And was your mother in the car also?

4 A. Yes.

5 Q. Did your mother read the one page statement that  
6 Detective Toussaint had typed up?

7 A. Yes.

8 Q. Who read it first, you or your mother?

9 A. I don't remember.

10 Q. At some point in time you read that statement,  
11 right?

12 A. Yes.

13 Q. And did Detective Toussaint say to you if there is  
14 anything you want to correct, let me know?

15 A. Yes.

16 Q. And did he say to you if there is anything you want  
17 to add, let me know?

18 A. Yes.

19 Q. And did you add or correct anything to that  
20 statement?

21 A. No.

22 Q. And you had the opportunity to read it. He wasn't  
23 rushing you, was he?

24 A. No.

25 Q. But you didn't make any corrections or additions,



1 right?

2 A. No.

3 Q. And after you told Detective Toussaint that this  
4 statement was what you wanted it to be, he told you to sign  
5 it?

6 A. Yes.

7 Q. And who signed it first, you or your mom?

8 A. I don't remember.

9 Q. But both of you signed it, right?

10 A. Yes.

11 Q. Now, you told us earlier on that there were two  
12 cell phones that were given from your mother to Detective  
13 Toussaint, remember that?

14 A. Yes.

15 Q. Now, Detective Toussaint had you sign a form when  
16 those phones were given to him, correct?

17 A. Yes.

18 Q. Who owned those phones?

19 A. I did.

20 Q. I'm sorry?

21 A. I did.

22 Q. You owned both of those phones?

23 A. Yes.

24 Q. Now, the first phone was actually given to you by  
25 Ray Ross, right?

1 A. Yes.

2 Q. And then the phone was taken away from you by your  
3 mother, right?

4 A. Yes.

5 Q. And then another phone was given to you by Ray  
6 Ross, right?

7 A. Yes.

8 Q. Was that a bad thing when he gave you the second  
9 phone?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. Were you happy to get a phone?

13 A. Yes.

14 Q. Had you, in fact, asked him to replace the previous  
15 phone?

16 A. No.

17 Q. You didn't ask him to get another phone?

18 A. No.

19 Q. Now, in 2011 when you got your first phone, you  
20 were one of the youngest kids in your grade to get a phone,  
21 correct?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. But in 2014 when you didn't have a phone, most of  
25 your friends actually had one, correct?

1 MR. PERRI: Objection.

2 THE COURT: No, overruled.

3 A. What was the question?

4 Q. In 2014 you no longer had a cell phone, correct?

5 A. Yes.

6 Q. And most of your friends did have a cell phone,  
7 correct?

8 A. Yes.

9 Q. There was no house phone at your home, correct?

10 A. Yes.

11 Q. So now there was no house phone and you had no cell  
12 phone, so it was exceedingly difficult for you to communicate  
13 with your friends, right?

14 A. Yes.

15 Q. Did you ever tell your mom I need a cell phone,  
16 it's 2014, everybody has a cell phone?

17 A. Yes.

18 Q. And what did she say to you?

19 MR. PERRI: Objection.

20 THE COURT: Overruled.

21 A. I don't remember.

22 Q. Well, was she pleased when you asked her for a cell  
23 phone?

24 A. No.

25 Q. Did she say yes, I'm going to get you a replacement

1 cell phone?

2 A. I don't remember.

3 Q. Did you ever speak to your father about your need  
4 for a cell phone in 2014?

5 A. No.

6 Q. You never asked Rafael Mickens could you please get  
7 me a cell phone?

8 A. No.

9 Q. How about his brother George who had gotten you the  
10 first cell phone? When you were without a cell phone in late  
11 2014, did you ever call your Uncle George and say, Uncle  
12 George, please get me a cell phone?

13 MR. PERRI: Objection.

14 THE COURT: Sustained.

15 Q. You told us earlier on sometimes you would  
16 baby-sit, right?

17 A. Yes.

18 Q. Did you ever get paid to baby-sit?

19 A. Yes.

20 Q. Do you ever do other -- do you have a job in any  
21 way, shape or form to earn a little money, spending money?

22 A. Besides baby-sitting?

23 Q. Baby-sitting is one thing.

24 How much do you charge to baby-sit per hour?

25 MR. PERRI: Objection.

1 THE COURT: Sustained.

2 Q. You get paid to baby-sit, right?

3 A. Yes.

4 Q. Aside from baby-sitting, what else do you do to  
5 make money?

6 A. That's it.

7 Q. Did you ever say to your mother, mom, please I'll  
8 pay for the cell phone out of my baby-sitting money if you  
9 will allow me to replace the cell phone?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. After Ray Ross moved out of the house, was there a  
13 TV in the house?

14 A. Yes.

15 Q. There was a TV in the house?

16 A. Yes.

17 Q. One TV in Aunt Tara's room?

18 A. No.

19 Q. No?

20 A. No.

21 Q. Where was the TV after that point?

22 A. My brother had a TV.

23 Q. Your brother got a TV after Ray Ross moved out?

24 A. And I had a TV.

25 Q. You got a TV?

1 A. Yeah.

2 Q. At the end of 2014?

3 A. Yes.

4 Q. Where did you get a TV?

5 MR. PERRI: Objection.

6 THE COURT: Overruled.

7 Q. Please answer the question.

8 MR. ZERNER: I'm sorry, your Honor, if she can  
9 be directed to answer the question.

10 A. My mom got it.

11 Q. Your mom bought you a TV after she took the phone  
12 away from you?

13 A. No.

14 Q. When did your mom get you a TV?

15 A. She didn't get it just for me.

16 Q. Well, tell us what month and what year your mother  
17 got a TV.

18 A. I don't remember.

19 Q. Did your mom also get a provider, whether it was  
20 Cable, satellite so the TV could be watched?

21 MR. PERRI: Objection.

22 THE COURT: Sustained.

23 Q. Was the TV located on the lower level of 301  
24 Coventry Road North?

25 A. Yes.

1 Q. Were you glad to get a TV?

2 A. Yes.

3 Q. Did you watch a lot of TV?

4 A. Yes.

5 Q. Did your sister watch TV, your younger sister?

6 A. Yes.

7 Q. Did your older sister watch TV?

8 A. Yes.

9 Q. And you said your brother now was watching TV?

10 A. Yes.

11 Q. Earlier on when you said your brother didn't watch  
12 TV, sometimes he likes to watch TV?

13 A. He had a laptop, so he didn't need a TV.

14 THE COURT: Did the jury get to hear the  
15 answer of the witness?

16 (Whereupon, the sworn jury answered in the  
17 affirmative.)

18 Q. So it's fair to say that there was no objection to  
19 watching entertainment in the house, it was just a question  
20 of whether people watched on a TV or a laptop or an iPad; is  
21 that fair to say, Ms. Johnson?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Next question.

25 Q. So now you told us that you spoke with Detective

1 Toussaint at the end of 2014 and then there came a point in  
2 time when you had a conversation with ADA Perri, remember  
3 that, the first time you spoke with ADA Perri?

4 A. Yes.

5 Q. Did he come to the house?

6 A. No.

7 Q. Did he have you come to the DA's office?

8 A. Yes.

9 Q. Do you remember how you got to the DA's office?

10 A. No.

11 Q. You don't remember a cab coming picking you up and  
12 bringing you to the DA's office?

13 A. No.

14 Q. When you first came to the DA's office, did you  
15 come by yourself or with your mom?

16 A. My mom.

17 Q. Was it just you and your mom?

18 A. Yes.

19 Q. Do you remember what month and year that was?

20 A. No.

21 Q. You don't remember?

22 A. No.

23 Q. All right.

24 Now, there came a point in time when you went to  
25 ADA Perri's office, right?



1 A. Yes.

2 Q. And you had a conversation about how it would work  
3 when you testified in the grand jury?

4 A. Yes.

5 Q. And he described everything to you?

6 A. Yes.

7 Q. You had never testified in the grand jury before  
8 that day, right?

9 A. No.

10 Q. And he prepared you for that, right?

11 A. Yes.

12 Q. And he showed you the empty grand jury room?

13 A. Yes.

14 Q. He showed you around. He told you you are going to  
15 sit here and there will be a court reporter over there and  
16 there will be about 23 people in the room?

17 A. Yes.

18 Q. He told you all that, right?

19 A. Yes.

20 Q. And he told you that there would be no Judge in the  
21 room, right?

22 MR. PERRI: Objection.

23 THE COURT: Sustained.

24 Q. And he told you that you could go into the grand  
25 jury room with Kara, right?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. Well, did you go into the grand jury room just with  
4 Mr. Perri or was somebody else with you?

5 MR. PERRI: Objection.

6 THE COURT: Sustained on this line of  
7 questioning, Mr. Zerner.

8 MR. ZERNER: That's fine, Judge, I'll move on  
9 and just note my exception.

10 THE COURT: Thank you.

11 Q. So now, Ms. Johnson, before you testified in the  
12 grand jury, Mr. Perri prepared you about what kinds of  
13 questions he planned to ask, right?

14 A. Yes.

15 Q. And your mother was not in the room with you,  
16 right?

17 A. Yes.

18 Q. But your mother also testified in the grand jury  
19 that day, right?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. Did your mother tell you that it was important when  
23 you testified in the grand jury?

24 MR. PERRI: Objection.

25 THE COURT: Sustained.

1 Q. Did it feel like it was important to your mother  
2 when you went to testify in the grand jury, yes or no?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 Q. Now, you described earlier that in August of 2014  
6 you and your mother were not getting along well, right?

7 A. Yes.

8 Q. And were you not getting along in July of 2014, yes  
9 or no?

10 A. Yes -- no.

11 Q. So in July of 2014 you were getting along okay?

12 A. No, I wasn't.

13 Q. So in July of 2014 you and your mother were  
14 fighting?

15 A. Yes.

16 Q. So before she had any knowledge of any cell phone,  
17 what were the two of you arguing about?

18 A. What do you mean?

19 Q. You told us that you and your mother weren't  
20 getting along, correct?

21 A. Yes.

22 Q. What was the substance of the conflict between you  
23 and your mother?

24 A. Sometimes it was over little things like having to  
25 clean up all the time and like, I don't know, like I just got

1 really mad at everything. Like my temper was really short.  
2 I had a short temper.

3 Q. So you're saying that you, personally had a strong  
4 temper?

5 A. Yeah.

6 Q. Do you ever feel you got that strong temper from  
7 your mom?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 I'm sorry, was your answer that you had a  
11 short temper or a strong temper?

12 THE WITNESS: Short.

13 THE COURT: Short temper?

14 THE WITNESS: Yes.

15 THE COURT: Did you say in your answer that  
16 you had a strong temper?

17 THE WITNESS: No.

18 MR. ZERNER: My mistake, Judge.

19 THE COURT: That's all right.

20 Q. Ms. Johnson, so is it fair to say that when you  
21 exhibited your short temper, your mother was displeased by  
22 that?

23 A. Yes.

24 Q. Did your mother ever say to you I'm the mother,  
25 you're the child?

1 A. Yes.

2 Q. She would say that a lot?

3 A. Yes.

4 Q. Did she ever say do as I say, not as I do?

5 MR. PERRI: Objection.

6 THE COURT: Sustained.

7 Q. So when you exhibited your short temper, what type  
8 of punishment would your mother give you?

9 MR. PERRI: Objection.

10 THE COURT: Sustained.

11 Q. Would your mother punish you for exhibiting a short  
12 temper, yes or no?

13 MR. PERRI: Objection.

14 THE COURT: Sustained.

15 Q. So you and your mother were already not getting  
16 along well in July of 2014 and then she discovered that you  
17 were sleeping with a cell phone under your pillow; is that  
18 fair to say?

19 A. I always slept with my phone in my pillow.

20 Q. You always slept with the phone under the pillow  
21 until one morning you woke up and the phone was gone,  
22 correct?

23 A. Yes.

24 Q. Is it fair to say the moment you would wake up you  
25 would grab for this cell phone and check the cell phone?

1 A. Yes.

2 Q. And then one morning you woke up and you grabbed  
3 and there was no cell phone, right?

4 A. Yes.

5 Q. Was the charger still there?

6 A. Yes.

7 Q. So you grabbed the charger and there was nothing on  
8 the end of it, right?

9 A. Yes.

10 Q. So what was the first thing you did when you  
11 discovered that your cell phone was gone?

12 A. I started looking for it.

13 Q. So you looked around for it.

14 A. Yes.

15 Q. Do you remember what time of day that was when you  
16 discovered the phone was gone?

17 A. In the morning.

18 Q. Was it early in the morning, like before sunrise?

19 A. No.

20 Q. So when you woke up was your mother still asleep on  
21 that same level of the house?

22 A. She was gone.

23 Q. She was on your cell phone?

24 THE COURT: No, she was gone.

25 Q. I thought you said on.

1 So you woke up and your mother was gone?

2 A. Yes.

3 Q. So you searched the house for your cell phone?

4 A. Yes.

5 Q. Is it fair to say this was the most important thing  
6 in the world to you?

7 A. Yes.

8 Q. Is it fair to say you figuratively turned the house  
9 upside down looking for the phone?

10 A. Yes.

11 Q. Was there anybody else in the house when you were  
12 looking for the phone?

13 A. Yes.

14 Q. Who else was in the house?

15 A. My sister.

16 Q. Your older sister?

17 A. Yeah.

18 Q. Does your older sister have a cell phone?

19 A. Yes.

20 Q. Did you ever say to your older sister please call  
21 my cell phone so we can maybe hear it buzzing so we can find  
22 it?

23 A. Yes.

24 Q. You did that?

25 A. Yes.

1 Q. And the phone wasn't found, right?

2 A. No.

3 Q. Did anybody answer the phone when you called that  
4 phone?

5 A. No.

6 Q. Do you know where your mother was when you woke up  
7 and she was gone and your cell phone was gone?

8 A. No.

9 Q. Do you remember what time she came home?

10 A. It was early afternoon.

11 Q. When she came home early afternoon, what was the  
12 first thing you asked her?

13 A. If she saw my phone.

14 Q. So when she walked into the house, did she say to  
15 you I've got your phone or did you ask her hey, do you know  
16 where my phone is?

17 A. I asked her.

18 Q. Okay.

19 Now, up to that point, to the best of your  
20 knowledge, was your mother aware that you had a cell phone?

21 A. Yes.

22 Q. She knew you had a cell phone?

23 A. Yes.

24 Q. But you slept with it under your pillow?

25 A. Yes.



- 1 Q. And she was already angry with you?
- 2 A. Yes.
- 3 Q. And she took your cell phone away from you?
- 4 A. Yes.
- 5 Q. What did you say to her?
- 6 A. I asked her where it was.
- 7 Q. And what did she say to you?
- 8 A. She said she doesn't know where it is.
- 9 Q. So she said she didn't know where it was?
- 10 A. Yes.
- 11 Q. Did you later find out that the truth was she had
- 12 taken your cell phone away?
- 13 A. Yes.
- 14 Q. Was there a point in time that you had a
- 15 confrontation with her about that?
- 16 A. What do you mean?
- 17 Q. Was there a point in time when the two of you
- 18 argued about this?
- 19 A. No.
- 20 Q. You never argued with your mother about your cell
- 21 phone?
- 22 A. No.
- 23 Q. You never demanded the cell phone be returned to
- 24 you?
- 25 A. No.

1 Q. You never begged for the cell phone to be returned  
2 to you?

3 A. No.

4 Q. Did your mother ever tell you I'm keeping your cell  
5 phone and you are never getting it back?

6 A. No.

7 Q. Tell us about the conversation that resulted in you  
8 realizing you were not getting the cell phone back?

9 A. It wasn't really a conversation.

10 Q. What was it?

11 A. It was just like you're not getting the cell phone  
12 back and I just didn't continue with the talking.

13 Q. It was clear to you that your mother had made a  
14 decision you weren't getting the phone back?

15 A. Yes.

16 Q. And was it clear to you that arguing with her  
17 wasn't going to get you the result you wanted?

18 A. Yes.

19 Q. Did you ask her would there be a time frame where  
20 you would get the phone back?

21 A. Yes.

22 Q. Sometimes when your mother had punished you, she  
23 would say you can't go out after school for a week; is that  
24 fair to say?

25 A. Yes.

1 Q. Sometimes there would be punishments that would  
2 have a time frame on them?

3 A. Yes.

4 Q. Like maybe you would have to clear the dishes after  
5 dinner every day for a month, right?

6 A. Yes.

7 Q. Did you ask your mother is there a time frame when  
8 I can get this phone back, yes or no?

9 MR. PERRI: Objection.

10 THE COURT: Overruled.

11 You can answer it.

12 A. No.

13 Q. You never asked her and she never told you an  
14 amount of time?

15 A. No.

16 Q. So you accepted that you weren't getting that phone  
17 back ever?

18 A. Yes.

19 THE COURT: Sustained.

20 Next question.

21 Q. Did you ever express to anybody in that household  
22 your desire to get a phone?

23 MR. PERRI: Objection.

24 THE COURT: Sustained as to --

25 MR. ZERNER: I'll rephrase it.

1 Q. Did you ever say to your Aunt Tara, Aunt Tara, it's  
2 embarrassing, I'm almost 14 years old, I need a replacement  
3 cell phone, yes or no?

4 MR. PERRI: Objection.

5 THE COURT: Overruled.

6 You can answer.

7 A. No.

8 Q. Did you ever say to Ray, Ray please, I need a cell  
9 phone, would you please get me a new cell phone?

10 A. No.

11 Q. You never asked him for a new cell phone?

12 MR. PERRI: Objection.

13 THE COURT: Sustained.

14 Q. And you never asked your Uncle George or your dad,  
15 Raefie Mickens, right?

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 Q. But there did come a point in time when a new cell  
19 phone literally found its way into your possession, right?

20 THE COURT: Sustained as to the form of the  
21 question.

22 MR. ZERNER: I'll rephrase it.

23 Q. What day did you get the replacement cell phone?

24 A. I don't remember.

25 Q. You don't remember the exact day?

1 A. No.

2 Q. It was after the school year started, right?

3 A. Yes.

4 Q. Is it fair to say it was in early October of 2014?

5 A. Yes.

6 Q. And do you remember who gave you the cell phone?

7 A. Yes.

8 Q. Who gave you the cell phone?

9 A. Ray.

10 Q. You never asked for the cell phone, but he just  
11 gave you the cell phone?

12 A. Yes.

13 Q. Were you glad that you got the replacement cell  
14 phone?

15 A. Yes.

16 Q. It had the same phone number, right?

17 A. Yes.

18 Q. And now you were able to text with your friends?

19 A. Yes.

20 Q. And you were able to text with your family members?

21 A. Yes.

22 Q. Not with your mother though, right?

23 A. No.

24 Q. You knew that if your mother found out that you had  
25 a cell phone, there was going to be trouble, correct?

1 A. Yes.

2 Q. You were already in trouble in July and then she  
3 took the phone away in August and it was clear to you you  
4 weren't getting a replacement cell phone, but you got one in  
5 early October, right?

6 A. Yes.

7 Q. And it was very important that your mother, Sarita  
8 Johnson, not find out you had a new cell phone, right?

9 A. Yes.

10 Q. Where did you sleep with the new cell phone?

11 THE COURT: Where was the new phone when you  
12 were sleeping?

13 MR. ZERNER: Thank you, Judge.

14 THE WITNESS: I would hide it.

15 Q. I'm sorry, I didn't hear under the circumstances.

16 A. I would hide it.

17 Q. Where would you hide it?

18 A. Sometimes in a little bin. Like I had a little  
19 bin, so I hid it in there.

20 Q. What else was in the little bin?

21 A. My stuff.

22 Q. Was it clothing, books, toys?

23 A. Like my lotion.

24 Q. Toiletries?

25 A. Yeah.

1 Q. So you would keep lotion and you would keep your  
2 cell phone?

3 A. Yes.

4 Q. Would you keep it off or on vibrate?

5 A. Off.

6 Q. And physically where was this bin located?

7 A. Near my bed.

8 Q. And how far was that bin from your mother's bed?

9 A. Pretty far.

10 Q. Well, your mother described that there were three  
11 different beds in the lower level of the house. Is that  
12 accurate?

13 A. Yes.

14 Q. You shared one bed with your older sister?

15 A. Yes.

16 Q. And then your mother had a separate bed?

17 A. Yes.

18 Q. And your little sister had a separate bed?

19 A. Yes.

20 Q. But the three beds were pretty close to each other  
21 in the lower level of the house?

22 A. Yes.

23 Q. Was there any privacy separating one bed from the  
24 other?

25 A. No.

1 Q. So if that cell phone -- withdrawn.

2 When the cell phone was in the bin, was it off or  
3 was it on vibrate?

4 MR. PERRI: Objection.

5 THE COURT: Asked and answered.

6 MR. ZERNER: I'm sorry.

7 THE COURT: Earlier she said off.

8 MR. ZERNER: Thank you, Judge.

9 THE COURT: That's the testimony I recollect.

10 Q. So school was in session in October of 2014, right?

11 A. Yes.

12 Q. Regular time of the school year, correct?

13 A. Yes.

14 Q. And are there any rules at your school? I know you  
15 are at a different school now. Were there any rules at the  
16 school you were attending in October 2014 about kids having  
17 cell phones with them at school?

18 MR. PERRI: Objection.

19 THE COURT: Sustained.

20 Q. Did you bring the cell phone with you to school on  
21 a regular basis?

22 A. Yes.

23 Q. So when you would leave the house --

24 THE COURT: Was that a yes?

25 THE WITNESS: Yes.



1 Q. When you would leave the house, you would put the  
2 cell phone in your book bag?

3 A. Yes.

4 Q. And would you then power it on?

5 A. Yes.

6 Q. And how far away was the bus stop from your home?

7 A. Up the block.

8 Q. So is it fair to say less than a full block away?

9 A. No.

10 Q. More than a full block away?

11 A. Yeah. It was like two blocks.

12 Q. Two blocks away?

13 A. Yeah.

14 Q. Do you know how far?

15 THE COURT: I'm sorry, the bus stop was on  
16 Coventry Road?

17 THE WITNESS: On Woodfield.

18 THE COURT: On Woodfield?

19 THE WITNESS: Yes.

20 THE COURT: Next question.

21 Q. And you needed to take the bus to school because it  
22 was far. Too far to walk, correct?

23 A. Yes.

24 Q. Is it accurate to say that your school was almost  
25 two miles away from your home?

1 A. Like a mile.

2 Q. You say a mile. If your mom said one point eight  
3 miles, she would be wrong?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. So would you sometimes walk to school?

7 A. Yes.

8 Q. On a weekly basis, how many days a week would you  
9 walk to school?

10 MR. PERRI: Objection.

11 THE COURT: You can answer it. Overruled.

12 A. Like now?

13 Q. In October of 2014, in a five day school week, how  
14 many times would you walk to school out of the five days?

15 A. Three days.

16 Q. So you would walk to school about three out of five  
17 days a week?

18 A. Yes.

19 Q. So it wasn't that far, you could walk to school,  
20 right?

21 MR. PERRI: Objection.

22 THE COURT: Sustained.

23 Q. And in October of 2014 the weather was fairly  
24 decent, correct?

25 MR. PERRI: Objection.

1 THE COURT: Sustained.

2 Q. So now there was a morning in October of 2014 when  
3 you missed the bus, right?

4 A. Yes.

5 Q. And that day you didn't want to walk to school?

6 A. No.

7 Q. Do you remember why?

8 A. It was a far walk.

9 Q. But you would walk it three out of five days a week  
10 you just said.

11 A. Because I had to.

12 MR. PERRI: Objection.

13 THE COURT: Overruled.

14 A. Because I had to.

15 Q. I'm sorry, because you had to?

16 A. Yes.

17 Q. So the day in question you called your home number,  
18 correct?

19 A. What do you mean?

20 Q. You used your cell phone -- withdrawn.

21 When you missed the bus on the day in question in  
22 October of 2014, who did you call?

23 A. My mom.

24 Q. And your mom had a cell phone at that point in  
25 time?

1 A. Yes.

2 Q. And you had programmed your mom's cell phone number  
3 into your new cell phone?

4 A. Yes.

5 Q. And was it listed under mom?

6 A. No.

7 Q. Who was it listed under?

8 A. It was just a phone number.

9 Q. So you knew your mom's phone number, correct?

10 A. Yes.

11 Q. And you called your mom's cell phone number, right?

12 A. Yes.

13 Q. And she picked up the phone?

14 A. Yes.

15 Q. And what's the first thing you remember her saying  
16 to you when she picked up that phone?

17 A. She said, Who is this?

18 Q. And what did you say?

19 A. I said, It's me.

20 Q. You said, It's me.

21 What did she say?

22 A. She said, Come home.

23 Q. To the best of your knowledge, did she understand  
24 that "me"? I understand she has four kids, three of them  
25 girls. Do you think that she knew "me" meant Millinia

1 Johnson?

2 MR. PERRI: Objection.

3 THE COURT: Overruled.

4 Did she know it was you?

5 THE WITNESS: Yes.

6 Q. So you did go home, right?

7 A. Yes.

8 Q. And what happened when you got home?

9 A. She told me to give her the phone.

10 Q. How did she ask for the phone?

11 A. She said, Where is the phone? And then she said,  
12 Give it to me.

13 Q. Could you tell us, tell the jury the way your  
14 mother said give me the phone?

15 A. It was kind of demanding.

16 Q. It was kind of demanding?

17 A. Yes.

18 Q. Did she raise her voice?

19 A. A little, yeah.

20 Q. She made it clear that you were going to give her  
21 that phone?

22 A. Yes.

23 Q. Did she express any displeasure that you had lied  
24 to her?

25 MR. PERRI: Objection.

1 THE COURT: Sustained as to the form of the  
2 question.

3 Q. You knew that your mother said you could not have a  
4 cell phone, correct?

5 A. Yes.

6 Q. But you did have a cell phone, correct?

7 A. Yes.

8 Q. And you were caught red handed now, right?

9 MR. PERRI: Objection.

10 THE COURT: Sustained as to the  
11 characterization.

12 Q. There was no denying at this point in time that you  
13 had violated her rule that you were not to have a cell phone,  
14 correct?

15 A. Yes.

16 Q. And she punished you by taking that cell phone away  
17 from you, correct?

18 A. Yes.

19 Q. And that's the point in time when you told your  
20 mother this whole story about Ray Ross, correct?

21 MR. PERRI: Objection.

22 THE COURT: Overruled.

23 A. Yes.

24 Q. You were in trouble and now you told her something  
25 else to take her mind away from you lying to her and

1 disobeying her about the cell phone, correct?

2 MR. PERRI: Objection.

3 THE COURT: Overruled.

4 A. No.

5 Q. What did you say?

6 A. No.

7 MR. ZERNER: I don't know what she said.

8 THE COURT: No. She said no.

9 MR. PERRI: Your Honor.

10 Q. Well, this is the first time you ever told anybody  
11 that anything was going on with Ray Ross, correct?

12 A. No. What do you mean?

13 Q. The first time you ever told anybody in the whole  
14 wide world that Ray Ross had ever touched you was the same  
15 day that your mother caught you with a cell phone you weren't  
16 supposed to have, correct?

17 A. Yes.

18 Q. That was the day you did that, right?

19 A. Yes.

20 Q. You said earlier that on a scale of one to ten,  
21 your mother was angry like a seven?

22 A. Yes.

23 Q. Was that day maybe she was a little bit angrier  
24 than a seven, maybe closer to a nine or a ten?

25 A. Yes.

1 Q. She was very angry with you, correct?

2 A. Yes.

3 Q. It's not easy to deal with your mother when she's  
4 angry, correct?

5 MR. PERRI: Objection.

6 THE COURT: Sustained.

7 Q. Now, you told us earlier on that you met with ADA  
8 Perri in the summer of 2015, right?

9 A. Yes.

10 Q. And then after that were there points in time when  
11 you had conversations with him on the phone?

12 A. No.

13 Q. To the best of your knowledge, were there times  
14 when your mother would tell you that she had had a  
15 conversation with Mr. Perri and told you that we're going to  
16 go meet with him or we're going to talk with him? Do you  
17 remember any of those things?

18 A. Yes.

19 Q. And that happened fairly often, correct?

20 A. Yes.

21 Q. And that happened throughout the end of 2015,  
22 right?

23 A. Yes.

24 Q. And there were times that you came back to Mineola  
25 to meet with Mr. Perri?



1 A. Yes.

2 Q. Right.

3 And there were times when Mr. Perri would send a  
4 cab to come pick you up or a police car to come pick you up?

5 A. A cab, yeah.

6 Q. Right.

7 So the cab would come pick you up, right?

8 A. Yes.

9 Q. And there were points in time when your mother's  
10 cell phone was turned off, right?

11 A. Yes.

12 Q. But Mr. Perri made sure the DA's office had it  
13 turned back on, correct?

14 A. Yes.

15 Q. And there were points in time when you didn't have  
16 clothing to wear to various Court meetings, correct?

17 MR. PERRI: Objection.

18 THE COURT: Sustained.

19 Q. Were you ever given any clothing from the district  
20 attorney's office or the police department?

21 A. Yes.

22 Q. You were.

23 So now there came a point in time when you used to  
24 take these trips to Brooklyn with Ray Ross, right, that's  
25 your testimony?

1 A. Yes.

2 Q. And they were never overnight trips, right?

3 A. No.

4 Q. And you would go there to get your hair done,  
5 correct?

6 A. Yes.

7 Q. And you would have a meal when you were there?

8 A. Yes.

9 Q. Sometimes two meals?

10 A. Yes.

11 Q. And your mother wasn't paying for those meals,  
12 right?

13 A. No.

14 Q. And were there some times when you would go as a  
15 group with Ray and Paula and Jasmyn, Justyn and Kelly or a  
16 combination of those people to a movie?

17 A. Yes.

18 Q. That happened more than once, right?

19 A. Yes.

20 Q. Sometimes you would go to the movies?

21 A. Yes.

22 Q. And Ray would pay for the movies?

23 A. Yes.

24 Q. And there were also points in time when you would  
25 go to a museum as a whole group?

1 A. No.

2 Q. You never went to a museum with a whole group of  
3 people in the Ross family?

4 A. No.

5 Q. Were there points in time when your Aunt Tara would  
6 also come with you to Brooklyn?

7 A. No.

8 Q. You don't remember a single time when Aunt Tara  
9 came to Brooklyn?

10 A. No.

11 Q. Aunt Tara works at a bank, right?

12 A. Yes.

13 Q. And Aunt Tara's bank is open on Saturdays?

14 A. I don't know.

15 Q. She works a partial day on Saturdays, if you know?

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 Q. Now, is it fair to say on some of these Saturdays  
19 when you would go to Brooklyn, that sometimes your younger  
20 sister would spend time with her father?

21 MR. PERRI: Objection.

22 Q. If you know.

23 THE COURT: Sustained.

24 Q. And is it fair to say that sometimes on the weekend  
25 you would spend time with your father?

1 A. No.

2 THE COURT: In what time frame, sir?

3 Q. Let's talk about through the calendar year of 2013.  
4 Is it fair to say that some weekends you would spend time  
5 with your father, Raefie Mickens?

6 A. No.

7 Q. You would never see your father, Raefie Mickens  
8 through the entire calendar year of 2013, is that your  
9 testimony?

10 MR. PERRI: Objection.

11 THE COURT: Sustained.

12 Q. How about in 2012, were there times you would spend  
13 weekend days with your father, Raefie Mickens?

14 MR. PERRI: Objection.

15 THE COURT: No, overruled.

16 A. Yes.

17 Q. So you would see him in 2012?

18 A. Yes.

19 Q. And in 2011 also?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. Was there a point in time when something changed  
23 that you started seeing your father less after, let's say,  
24 2012?

25 MR. PERRI: Objection.

1 THE COURT: Sustained.

2 Q. Do you know what kind of relationship your mother  
3 had with your father?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. Did you ever observe your mother's --

7 MR. PERRI: Objection.

8 THE COURT: Hold it, Mr. Perri. Patience,  
9 please.

10 MR. PERRI: Yes, your Honor.

11 THE COURT: Please finish your question.

12 MR. ZERNER: Thank you so much, your Honor.

13 Q. Did you ever observe your mother's relationship  
14 with her sister, Aunt Tara?

15 A. What do you mean?

16 Q. You lived in the same house with your mother and  
17 your aunt, right?

18 A. Yes.

19 Q. Did you ever notice the two of them talking with  
20 each other?

21 A. No.

22 Q. They very rarely spoke with each other, right?

23 A. Yes.

24 Q. And were there ever times that you would observe  
25 your mother having conversations with Sherman Roberts?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. Did you ever see Sherman Roberts come to pick up  
4 your little sister and spend time with her?

5 MR. PERRI: Objection.

6 THE COURT: Sustained.

7 Q. Did you ever go clothes shopping with Paula Ross?

8 A. No.

9 Q. You never went clothes shopping with Paula Ross?

10 A. I don't remember.

11 Q. Did you ever go clothes shopping with Jasmine Ross?

12 A. No.

13 Q. Did you ever go clothes shopping with Kelly Ross?

14 A. No.

15 Q. Did you ever go clothes shopping with Sarita  
16 Johnson?

17 A. Yes.

18 Q. You did go clothes shopping with your mother from  
19 time to time?

20 A. Yes.

21 Q. When was the last time you did that?

22 THE COURT: Sustained.

23 Q. Did you ever go clothes shopping with your Aunt  
24 Tara?

25 A. No.

1 Q. You have never gone clothes shopping with your Aunt  
2 Tara?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 Q. Now, you told us earlier that your mother made it  
6 clear to you in August of 2014 that you were not to spend any  
7 time with Ray Ross, right?

8 A. Yes.

9 Q. Nevertheless you still spent time with Ray Ross,  
10 right?

11 A. Yes.

12 Q. You chose to spend time with him, correct?

13 A. Yes.

14 Q. And sometimes in the summertime Ray Ross would buy  
15 all of the kids in the house ices, right?

16 A. Yes.

17 Q. And that was good, right?

18 A. Yes.

19 Q. You didn't want to be excluded when everyone else  
20 got ices, right?

21 MR. PERRI: Objection.

22 THE COURT: Overruled.

23 You are speaking of the year 2014, sir?

24 Q. August of 2014. We'll talk about the ices in  
25 2014.

1 Do you remember August 2014 when your mother told  
2 you not to spend time with Ray Ross?

3 A. Yes.

4 Q. You remember that, right?

5 A. Yes.

6 Q. But Ray Ross sometimes would buy a bunch of ices  
7 for everybody, correct?

8 A. Yes.

9 Q. And you didn't want to be excluded from getting the  
10 ices, right?

11 A. No.

12 Q. So you got ices, right?

13 A. Yes.

14 Q. Did you say thank you when you got the ices?

15 A. Yes.

16 Q. And Hempstead Lake State Park is within walking  
17 distance of your house, right?

18 A. Yes.

19 Q. Is it fair to say you spent time there especially  
20 in the summers?

21 A. Yes.

22 Q. You didn't go to any kind of day camp, right, so  
23 you spent time at the park, right?

24 A. No. I mean yes.

25 Q. So you spent time at the park with your friends and



1 your cousins and your siblings, right?

2 A. Yes.

3 Q. And this was a good thing, right?

4 A. Yes.

5 Q. Your mother let you go to the park, right?

6 A. Yes.

7 Q. Is it fair to say that many people that lived on  
8 your block and in your neighborhood would go to Hempstead  
9 Lake State Park?

10 A. Yes.

11 Q. And sometimes Ray Ross would go to Hempstead Lake  
12 State Park, right?

13 A. What do you mean?

14 Q. I mean sometimes Ray Ross would go to the park at  
15 the end of your street, right?

16 THE COURT: When, Mr. Zerner?

17 Q. In August 2014.

18 A. Often?

19 Q. Were there times, even one time in August of 2014  
20 when Ray Ross -- you would observe Ray Ross at the park at  
21 the end of your street?

22 A. Yes.

23 Q. And you spent many days in Hempstead Lake State  
24 Park in August of 2014, right?

25 A. Yes.

1 Q. So there might be times when you would cross paths,  
2 right?

3 MR. PERRI: Objection.

4 THE COURT: No, overruled.

5 Q. Please answer the question.

6 THE COURT: Hold it, Mr. Perri.

7 A. No.

8 Q. So it's your testimony you never crossed paths in  
9 August of 2014 in Hempstead Lake State Park with Ray Ross?

10 MR. PERRI: Objection.

11 THE COURT: Overruled.

12 A. Yes, we did.

13 Q. And was that once or more than once?

14 A. Once.

15 Q. And on that one occasion he bought you icies along  
16 with everybody else, right?

17 A. No.

18 Q. He didn't buy you icies?

19 A. He only bought me an icy.

20 Q. He only bought you icies?

21 A. Yes.

22 Q. And that was nice, right?

23 A. Yes.

24 Q. Did you notice him asking anybody else if they  
25 wanted icies?

1 A. No.

2 Q. Was there an ice cream truck there?

3 A. No.

4 Q. Was there a guy selling ices out of a cooler?

5 A. No.

6 Q. Where did the ices come from?

7 A. Ralph's.

8 Q. Ralph's Ices is like a store, right?

9 A. Yes.

10 Q. And did Ray have ices for himself too?

11 A. No.

12 Q. So he bought you ices, right?

13 A. Yes.

14 Q. That was a good thing, right?

15 A. Yes.

16 Q. Did you tell your mother about it?

17 A. No.

18 Q. You hid that from your mother, right?

19 A. Yes.

20 Q. You didn't want her to find out, right?

21 A. No.

22 Q. Because she was already angry with you, right?

23 A. Yes.

24 Q. And she told you not to spend any time with Ray,

25 right?

1 A. Right.

2 Q. And she wanted Ray to move out of the house, right?

3 MR. PERRI: Objection.

4 THE COURT: Sustained.

5 Q. Did you ever hear her talking with Ray or Aunt Tara  
6 about who should move out of the house?

7 MR. PERRI: Objection; hearsay.

8 THE COURT: Sustained.

9 Q. So you still live in that house today, right? In  
10 2016 you still live at 301 Coventry Road North, right?

11 A. Yes.

12 Q. But Aunt Tara doesn't live there and Ray doesn't  
13 live there anymore, right?

14 A. No.

15 Q. Who uses their room?

16 A. No one.

17 Q. No one uses their room?

18 A. No.

19 Q. The room is just empty?

20 A. Yes.

21 Q. Is it used for storage?

22 A. No.

23 Q. It's just an empty room sitting there?

24 MR. PERRI: Objection.

25 THE COURT: Sustained. Asked and answered.

1 Q. Now, you testified that National Wholesale  
2 Liquidators is a store near your home?

3 A. Yes.

4 Q. Have you ever shopped in that store?

5 A. Yes.

6 Q. It's a big store, right?

7 A. Yes.

8 Q. Still open today, right?

9 A. Yes.

10 Q. And who have you gone shopping there with?

11 MR. PERRI: Objection.

12 THE COURT: Sustained.

13 Q. So it's your testimony that -- withdrawn.

14 Is there a washing machine and a dryer in your home  
15 at 301 Coventry Road North?

16 MR. PERRI: Objection.

17 THE COURT: No, overruled.

18 A. No.

19 Q. You testified earlier that you went to the  
20 laundromat sometimes, right?

21 A. Yes.

22 Q. That was necessary to go clean the clothes, right?

23 A. Yes.

24 Q. And sometimes you would do the laundry for your own  
25 clothes and sometimes for other people's clothes in the home?

1 MR. PERRI: Objection.

2 THE COURT: Sustained.

3 Q. Who would pay -- withdrawn.

4 The laundromat that you went to, you had to pay  
5 with quarters, right?

6 A. No.

7 Q. How did you pay at the laundromat?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 Q. What laundromat would you go to?

11 MR. PERRI: Objection.

12 THE COURT: Sustained.

13 MR. ZERNER: If People's 12 can be shown to  
14 the witness, please?

15 (Handed to witness.)

16 Q. Please put the various parts of the phone together  
17 and power it up.

18 (Witness complied.)

19 A. It's not turning on.

20 THE COURT: It's not turning on, okay. Is the  
21 battery in right?

22 THE WITNESS: Yeah.

23 A. It's not turning on.

24 Q. The phone won't turn on?

25 A. No.

1 MR. ZERNER: Just for the record, the witness  
2 has attempted to power up People's 12 in evidence and it  
3 was unable to be powered up.

4 THE COURT: Correct.

5 MR. ZERNER: Thank you, your Honor.

6 THE COURT: So now, Mr. Zerner, this is  
7 probably an appropriate time to break. You are starting  
8 a new line of questioning. It's 4:30.

9 We have to break at 4:30, ladies and  
10 gentlemen, due to union rules. So please remember my  
11 admonitions. Don't speak with anyone about the case at  
12 all. Forget about it until tomorrow morning. We're  
13 going to try to get started 9:30 tomorrow morning, so  
14 please be here ready to be called to come down to Court,  
15 okay. Have a good night. We'll see you tomorrow.

16 (Whereupon, the jury exited the courtroom.)

17 THE COURT: Okay, Millinia, you are free to go  
18 for today. Hold on, let me finish. So don't talk about  
19 your testimony at all with anyone, all right. We'll see  
20 you tomorrow morning.

21 THE WITNESS: Okay.

22 THE COURT: Good night.

23 (Whereupon, the witness exited the courtroom.)

24 THE COURT: Counsel, anything for the record  
25 before we break?

1 MR. ZERNER: Nothing from the defense. Thank  
2 you, Judge.

3 MR. PERRI: No, your Honor.

4 THE COURT: We're adjourned until tomorrow  
5 morning.

6 (Whereupon, the trial was adjourned to  
7 February 18, 2016.)

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1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NASSAU : PART 47

3 -----x  
4 THE PEOPLE OF THE STATE OF NEW YORK

5 -against-

Indictment No. 1050N/15

6 RAY ROSS,

7 DEFENDANT.  
8 -----x

9 Mineola, New York  
10 February 18, 2016

11 B E F O R E: HON. TERENCE P. MURPHY  
12 Acting Supreme Court Justice

13 A P P E A R A N C E S:

14 (Same as previously noted)

15 TESTIMONY AT TRIAL

16 Kathi A. Fedden  
17 Official Court Reporter

18 \*

19 \*

20 \*

21 THE CLERK: Continued case on trial, People v.  
22 Ray Ross. The jury is not present. All parties are  
23 present.

24 THE COURT: We're going to get started right  
25 away, but I want to ask about the phone. Any luck with

1 the phone?

2 MR. PERRI: Your Honor, I attempted with two  
3 different charges that did work on the other phone that  
4 did not work on this phone. Defense counsel also  
5 attempted this morning to charge the phone. The  
6 batteries are not interchangeable. You can't put the  
7 battery from one into the other. The battery doesn't  
8 heat up when you are feeling it. I don't know anything  
9 further.

10 THE COURT: Mr. Zerner.

11 MR. ZERNER: I did make an attempt, your  
12 Honor, with the charger that I brought from my home and  
13 it did not seem to have any impact on charging the  
14 phone.

15 THE COURT: I don't know what happened to it.  
16 We'll move on from there.

17 MR. ZERNER: Sure.

18 THE COURT: Mr. Zerner, you are still in the  
19 middle of cross-examination of Millinia Johnson.

20 MR. ZERNER: I don't know if I'm on pace with  
21 still being in the middle.

22 MR. PERRI: I believe there is also an  
23 application with respect to the indictment.

24 THE COURT: I want to get the jury in. We  
25 don't have to deal with that now.

1 (Whereupon, the witness returned to the  
2 witness stand.)

3 COURT OFFICER: Jury entering.

4 (Whereupon, the jury entered the courtroom.)

5 THE CLERK: Let the record reflect the  
6 presence of the jury. All parties are present.

7 Ms. Johnson, please be reminded you are still  
8 under oath.

9 THE WITNESS: Okay.

10 M I L L I N I A J O H N S O N, residing in the County of  
11 Nassau, having been previously called as a witness on  
12 behalf of the People, having been previously duly  
13 sworn by the Clerk of the Court, was examined and  
14 testified further as follows:

15 THE COURT: Good morning, ladies and gentlemen  
16 of the jury. We'll get started right away.

17 Mr. Zerner.

18 MR. ZERNER: Thank you, your Honor.

19 THE COURT: Mr. Zerner, I just want to put one  
20 thing on the record.

21 Ladies and gentlemen, before we broke  
22 yesterday there was an issue with the telephone as you  
23 know. Well, we've tried to get it started or activate  
24 it. It just didn't work, so we're going to move on,  
25 okay.

1 MR. ZERNER: May I?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION (Cont'd)

4 BY MR. ZERNER:

5 Q. Good morning, Ms. Johnson.

6 A. Good morning.

7 Q. Ms. Johnson, you are still residing at 301 Coventry  
8 Road North, right?

9 A. Yes.

10 Q. That's where you were between last time you  
11 testified yesterday and today, right?

12 A. Yes.

13 Q. And your mother still lives there also, right?

14 A. Yes.

15 Q. And you saw your mother last night and this  
16 morning, right?

17 A. Yes.

18 Q. Did you talk to her about your testimony here?

19 A. No.

20 Q. She didn't ask you how it went?

21 A. No.

22 Q. She didn't ask you do you have to go back today?

23 A. No.

24 Q. There was no conversation about your testimony?

25 A. No.

1 Q. Do you know that she testified last week, right?

2 A. Yes.

3 Q. Did you ever talk to her about that?

4 A. No.

5 Q. You never were curious and said to her, how did it  
6 go?

7 MR. PERRI: Objection.

8 A. No.

9 THE COURT: Move on, Mr. Zerner.

10 Q. Now, you were away last week, right?

11 A. Yes.

12 Q. You took a trip?

13 A. Yes.

14 Q. Where did you go?

15 MR. PERRI: Objection.

16 THE COURT: Sustained.

17 Q. Now, do you play an instrument?

18 A. Yes.

19 Q. What instrument do you play?

20 A. The clarinet.

21 Q. Where have you been learning to play the clarinet?

22 A. Malverne.

23 THE COURT: I'm sorry?

24 Q. Malverne High School?

25 A. Yes.

1 Q. And prior to Malverne High School you took clarinet  
2 at your middle school?

3 A. Yes.

4 Q. Tell us the name of that middle school again.

5 A. Howard T. Herber.

6 Q. Was the clarinet provided for you by the school?

7 A. Yes.

8 Q. And was it provided free of charge?

9 A. Yes.

10 Q. There was no payment that needed to be made to the  
11 school?

12 A. No.

13 Q. Did you have a clarinet at school and another one  
14 at home?

15 A. No.

16 Q. Well, you had the opportunity to review text  
17 messages between yourself and my client, right?

18 A. Yes.

19 Q. And some of those text messages are about the  
20 clarinet, right?

21 A. Yes.

22 Q. And my client said that he's not paying for the  
23 clarinet anymore, right?

24 A. Yes.

25 Q. Why would he have to pay for the clarinet if you

1 were getting it for free at school?

2 A. Well, we had to buy our own clarinet and I didn't  
3 know that until my mom asked them if she can borrow a  
4 clarinet from the school.

5 Q. So when did your mom ask about borrowing a  
6 clarinet?

7 A. After I gave it back to Mr. Ross.

8 Q. Well, the clarinet belonged to Mr. Ross, right?

9 A. Yes.

10 Q. And he was loaning it to you, right?

11 A. Yes.

12 Q. And then he moved out of the house at 301 Coventry  
13 Road North, right?

14 A. Yes.

15 Q. And he took his clarinet with him, right?

16 A. Yes.

17 Q. So now do you recall what month and year your  
18 mother asked for a clarinet to be provided by the school?

19 A. No.

20 Q. You don't remember?

21 A. No.

22 Q. Well, in October of 2014 Mr. Ross moved out of the  
23 house, right?

24 A. Yes.

25 Q. And was there a gap in time when you didn't have a

1 clarinet to play?

2 A. I don't remember.

3 Q. Now, were there times that your Aunt Tara would go  
4 to the school?

5 A. What do you mean?

6 Q. Were there times that Aunt Tara would go to your  
7 school that you were attending, first Herber -- it's not  
8 Herbert Hoover, it's Herbert T -- could you please tell me  
9 the last name of the school?

10 A. Howard T. Herber.

11 Q. My apologies for confusing it with a president.

12 So Howard T. Herber school you attended and while  
13 you were attending the school, did your Aunt Tara ever go to  
14 the school to talk to your teachers?

15 MR. PERRI: Objection.

16 THE COURT: Sustained.

17 Q. Was there ever a situation when you were attending  
18 that school where a parent had to come to the school?

19 MR. PERRI: Objection.

20 THE COURT: Overruled.

21 A. No.

22 Q. There was never an occasion in three years of  
23 attending that school that a parent was needed to come to the  
24 school?

25 A. No.



1 Q. And there was never a time when there were  
2 parent-teacher conferences?

3 A. Yes.

4 Q. And at parent-teacher conferences did sometimes  
5 your aunt attend the parent-teacher conferences?

6 A. No.

7 Q. Were there times that Mr. Ross attended the  
8 parent-teacher conferences?

9 A. Yes.

10 Q. Were there times that your father, Rafael Mickens  
11 attended the parent-teacher conferences?

12 MR. PERRI: Objection.

13 THE COURT: Sustained.

14 Q. Now, you told us yesterday that there were times  
15 when you and your mother had a bad relationship, right, those  
16 were your words?

17 A. Yes.

18 Q. And you said that it was especially bad in August,  
19 September, October of 2014?

20 A. Yes.

21 Q. And then it got even worse when she caught you with  
22 the cell phone, right?

23 A. Yes.

24 Q. All right. So that was October of 2014.

25 How has your relationship been with her since?

1 MR. PERRI: Objection.

2 THE COURT: No, overruled.

3 A. All right.

4 Q. It's been all right?

5 A. Yes.

6 Q. Has your father been in your life for the last  
7 year-and-a-half?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 Q. When was the last time you spoke with your father?

11 MR. PERRI: Objection.

12 THE COURT: Easy, Mr. Perri.

13 MR. PERRI: Yes, your Honor.

14 THE COURT: Sustained.

15 Q. In August of 2014 your mother told you to not have  
16 any contact with my client, Mr. Ross, right?

17 A. Yes.

18 Q. But you disobeyed her, right?

19 A. Yes.

20 Q. And it was clear that your mother would have  
21 preferred Mr. Ross no longer living in the home, correct?

22 A. Yes.

23 MR. PERRI: Objection.

24 THE COURT: Sustained as to the form of the  
25 question.

1 Millinia, I'm just going to ask you to try and  
2 speak into the microphone, okay.

3 THE WITNESS: Okay.

4 Q. Did you observe your mother's relationship with  
5 Mr. Ross?

6 A. What do you mean?

7 Q. Did you see the two of them interact with each  
8 other?

9 A. No.

10 Q. You never saw the two of them talk?

11 A. No.

12 Q. Did you ever see your Aunt Tara talk with your  
13 mother?

14 A. No.

15 Q. Everybody lived together, but you never saw anybody  
16 talking to each other?

17 A. No.

18 Q. Do you recall in the middle of October of 2014 when  
19 my client, Mr. Ross moved out of the house, do you remember  
20 your mother's reaction to that?

21 A. No.

22 Q. You don't remember her being pleased that Mr. Ross  
23 moved out?

24 MR. PERRI: Objection.

25 THE COURT: Overruled.

1 A. No.

2 Q. Now, who owns the house, if you know, at 301  
3 Coventry Road North?

4 A. I don't know.

5 Q. You don't know who owns the house?

6 A. No.

7 Q. You do know that your mother and your aunt grew up  
8 in that house, right?

9 A. Yes.

10 Q. The room that Aunt Tara and Ray Ross shared, was  
11 that the childhood room, if you know, of your Aunt Tara?

12 A. No.

13 Q. Do you know whose room that was when your mother  
14 and aunt were kids, if you know?

15 MR. PERRI: Objection.

16 THE COURT: Sustained.

17 Q. You told us yesterday about your 13th birthday  
18 party, remember?

19 A. Yes.

20 Q. And the party was in your home?

21 A. Yes.

22 Q. And were any guests that were in that home  
23 non-relatives?

24 A. No.

25 Q. You had no friends at your birthday party?

1 MR. PERRI: Objection.

2 THE COURT: Overruled.

3 You can answer.

4 A. No.

5 Q. Why didn't you have any friends at your birthday  
6 party?

7 THE COURT: Sustained.

8 Q. You told us yesterday that you were in a talent  
9 show in March of 2013 with a friend, right?

10 A. Yes.

11 Q. Did you invite that friend to your birthday party?

12 MR. PERRI: Objection.

13 THE COURT: Sustained.

14 Q. Now, when we spoke yesterday you told us that when  
15 you went on these trips to Brooklyn they were generally on  
16 Saturdays, right?

17 A. Yes.

18 Q. And they were not overnight trips, right?

19 A. No.

20 Q. And it was your testimony that sometimes you were  
21 aware of my client and your Aunt Tara attending church,  
22 right?

23 A. Yes.

24 Q. Do you know the name of the church?

25 THE COURT: Sustained.

1 Q. Had you ever attended not that church, a different  
2 church, whether it was with Mr. Ross or your Aunt Tara or  
3 anybody else?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. Now, aside from trips to Brooklyn, would you also  
7 go on trips other places on Long Island with Mr. Ross and  
8 your Aunt Tara?

9 A. Yes.

10 Q. Tell us where some of those trips were taken.

11 A. Like to a fair.

12 Q. Do you remember what town that fair was in?

13 A. No.

14 Q. Do you remember what month or what year it was?

15 A. No.

16 Q. So you went to the fair. Did your mother accompany  
17 you to the fair?

18 A. No.

19 Q. Did your mother ever go with you to places like a  
20 fair or a museum?

21 A. No.

22 Q. Now, did you also go to the aquarium out in  
23 Riverhead with your aunt and Ray Ross and some of the other  
24 kids?

25 A. Not with my aunt.

1 Q. So you went to the aquarium with your sister,  
2 right?

3 A. My sister?

4 Q. Did your sister go to the aquarium with you?

5 A. No.

6 Q. Did Ray Ross' children go to the aquarium?

7 A. Yes.

8 Q. When you got to the aquarium, who paid for the  
9 aquarium?

10 A. Mr. Ross.

11 Q. Your mother didn't give you money to pay your share  
12 of the aquarium cost, right?

13 A. No.

14 Q. Mr. Ross treated you and his kids and sometimes his  
15 ex-wife would come also?

16 A. Yes.

17 Q. And you liked Paula Ross, right?

18 A. Yes.

19 Q. She was nice to you, right?

20 A. Yes.

21 Q. She would sometimes do your hair?

22 A. Yes.

23 Q. More than sometimes, she would regularly do your  
24 hair, right?

25 THE COURT: Sustained. Asked and answered.

1 MR. PERRI: Objection.

2 Q. Mr. Ross has grandchildren also, right?

3 A. Yes.

4 Q. Do you know their names?

5 A. Elijah and Silas.

6 THE COURT: Can you say those names out loud,  
7 please.

8 THE WITNESS: Elijah and Silas.

9 Q. And about how old were they when you were spending  
10 time with them in 2014 or so?

11 A. Like two and one was a baby.

12 Q. And they would also go on some of these trips?

13 A. Yes.

14 Q. Sometimes they would accompany you guys to the  
15 aquarium?

16 A. Yes.

17 Q. Or to the fair?

18 A. Yes.

19 Q. Were these two children -- were they cousins?

20 Withdrawn.

21 Who is their parent?

22 MR. PERRI: Objection.

23 MR. ZERNER: Just to clarify, your Honor.

24 THE COURT: Overruled.

25 Do you know who their mom was or dad was?



1 THE WITNESS: Kelly.

2 Q. Kelly Ross?

3 A. Yes.

4 Q. And Kelly Ross is one of Ray Ross' daughters,  
5 right?

6 A. Yes.

7 Q. So sometimes you would go on this family trip to a  
8 place like an aquarium or a fair and it wouldn't be just you  
9 and Ray, it would be you along with one or more of Ray's  
10 children, one or more of Ray's grandchildren, correct?

11 A. Yes.

12 Q. And you liked going on these trips, right?

13 A. Yes.

14 Q. You never told your mother you didn't want to go on  
15 these trips, right?

16 A. No.

17 Q. You never told Ray you didn't want to go on these  
18 trips, right?

19 A. No.

20 Q. In October of 2014 your mother took your cell phone  
21 away. Did you ever get a replacement cell phone?

22 A. Yes.

23 Q. You have a phone now, right?

24 A. Yes.

25 Q. Who got that for you?

1 A. My mom.

2 Q. When?

3 A. I don't remember.

4 Q. Was it -- today is February 18, 2016. Was it in  
5 2016?

6 A. No.

7 Q. Was it in 2015?

8 A. No.

9 Q. So in 2014 your mother got you a replacement cell  
10 phone?

11 A. Yes.

12 Q. And you were happy to get that, right?

13 A. Yes.

14 Q. So she was happy with you after you brought these  
15 charges, correct?

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 Q. Did she treat you better or worse after you brought  
19 this allegation up?

20 MR. PERRI: Objection.

21 THE COURT: Sustained.

22 Q. You talked to her about this, right?

23 MR. PERRI: Objection.

24 THE COURT: About what, sir?

25 MR. ZERNER: I'll withdraw that and ask

1 another question.

2 Q. After your mother caught you with a cell phone you  
3 weren't supposed to have, that's when you brought up  
4 something that possibly happened with Ray Ross, correct?

5 MR. PERRI: Objection; asked and answered.

6 THE COURT: Sustained as to the form.

7 Q. To the best of your knowledge, are there any video  
8 surveillance cameras at National Wholesale Liquidators  
9 parking lot?

10 A. I don't know.

11 Q. To the best of your knowledge, are there any video  
12 cameras at the old Western Beef parking lot?

13 A. I don't know.

14 MR. ZERNER: If I can see People's 20 in  
15 evidence, please?

16 (Handed to counsel.)

17 Q. Do you remember yesterday when Mr. Perri had you  
18 take a look at a document?

19 A. Which one?

20 Q. It was a photograph of a parking lot.

21 A. Yes.

22 Q. Now, yesterday he did that with you in Court,  
23 right?

24 A. Yes.

25 Q. But he also prepared you for this by speaking about

1 this in his office, correct?

2 A. Yes.

3 Q. He told you that he was going to ask you certain  
4 questions and he told you what you should say, right?

5 MR. PERRI: Objection.

6 THE COURT: Sustained as to the form of the  
7 question.

8 Q. Well, People's 20 in evidence is a photograph,  
9 right?

10 A. Yes.

11 THE COURT: Can she see it, Mr. Zerner?

12 MR. ZERNER: That was my next statement.

13 Q. Why don't you take a look at this. This is  
14 People's 20 in evidence.

15 (Handed to witness.)

16 Q. You saw it yesterday, right?

17 A. Yes.

18 Q. Before seeing it yesterday, when was the previous  
19 time you had seen it?

20 A. A photo.

21 Q. That photo on that piece of paper, when was the  
22 last time you saw that before seeing it in Court yesterday?

23 A. Two weeks ago.

24 Q. Two weeks ago on Super Bowl Sunday you came to the  
25 DA's office, right, on February 7, 2016?

1 A. Yes.

2 Q. You remember that, right?

3 A. Yes.

4 Q. How did you get to the DA's office that day?

5 A. I took a cab.

6 Q. You took a cab.

7 Do you know who paid for the cab?

8 A. No.

9 Q. Did you see your mom pay for the cab?

10 A. No.

11 MR. PERRI: Objection.

12 THE COURT: Hold it, sir. The witness  
13 answered. Overruled.

14 Q. How many hours did you spend with Anthony Perri  
15 that day?

16 MR. PERRI: Objection.

17 THE COURT: No, overruled.

18 A. I don't know.

19 Q. What time did you arrive?

20 A. I don't remember.

21 Q. Was it before lunch or after lunch?

22 A. Before lunch.

23 Q. And did you leave before dinner or after dinner?

24 A. Before.

25 Q. Did you get fed a meal while you were here?

1 A. Yes.

2 Q. You got a meal while you were at the DA's office on  
3 Sunday, February 7th?

4 A. Yes.

5 Q. Did your mother get a meal also?

6 A. Yes.

7 Q. Did you take a cab home?

8 A. Yes.

9 Q. Do you know who paid for the cab?

10 A. No.

11 Q. Now, when you were here with Anthony Perri, who  
12 else was there besides you and your mother and Anthony Perri,  
13 who else was there?

14 A. Kara.

15 Q. And Kara's the victim's advocate?

16 A. Yes.

17 Q. So now the four of you sat and talked about Court,  
18 right?

19 A. No.

20 Q. You didn't talk about Court the whole time?

21 A. Not with my mom.

22 Q. So was there a point in time when your mom left the  
23 room and it was just you, the advocate and Mr. Perri?

24 A. Yes.

25 Q. And at that point in time Mr. Perri told you you

1 are going to go to Court on a certain day and this is what I  
2 expect from you, right?

3 MR. PERRI: Objection.

4 THE COURT: Sustained as to the  
5 characterization.

6 Q. Did Mr. Perri tell you you were going to testify in  
7 Court, yes or no?

8 A. Yes.

9 Q. Did he show you the courtroom at some point in  
10 time?

11 A. Yes.

12 Q. Was it that day? Was it Sunday, February 7th?

13 A. I don't remember.

14 Q. It was probably a different day, right?

15 A. Yes.

16 Q. Do you remember when that was?

17 A. No.

18 Q. And he told you that he was going to show you  
19 different documents and you were to say you recognized them,  
20 right?

21 MR. PERRI: Objection.

22 THE COURT: Sustained.

23 Q. Mr. Perri showed you a bunch of different  
24 documents, right?

25 A. Yes.

1 Q. Some of those documents were like 75 pages of bound  
2 text messages, right?

3 A. Yes.

4 Q. And he told you I'm going to ask you about these  
5 text messages when you testify, right?

6 A. Yes.

7 Q. And you knew what he expected you to say, right?

8 MR. PERRI: Objection.

9 THE COURT: Sustained.

10 Q. Did you ask him what do I say?

11 MR. PERRI: Objection.

12 THE COURT: No, overruled.

13 A. No.

14 Q. You have never testified before in Court, right?

15 A. No.

16 Q. Did you ever go to Court with your mom?

17 A. No.

18 Q. Did you ever go to Court with your dad?

19 A. No.

20 Q. Did you ever go shopping for back-to-school clothes  
21 with any of Ray Ross' sisters?

22 A. Yes.

23 Q. I'm sorry, I didn't hear you.

24 A. Yes.

25 Q. You remember going shopping for back-to-school



1 clothes with Ray's sisters?

2 A. Yes.

3 Q. What are their names?

4 A. Laurie and Keisha.

5 Q. The two of them, Laurie and Keisha?

6 A. Well, Laurie.

7 Q. And you spent time with Laurie, right?

8 A. Yes.

9 Q. And she's nice to you, right?

10 A. Yes.

11 Q. And she bought you back-to-school clothes?

12 A. Yes.

13 Q. That was a nice thing to do, right?

14 A. Yes.

15 Q. Did your mother ever buy you back-to-school  
16 clothes?

17 A. No.

18 Q. You never went back-to-school shopping with your  
19 mother?

20 A. I did.

21 Q. But not recently?

22 A. No.

23 Q. Did you ever go shopping -- withdrawn.

24 Did you ever go to the movies with Ray Ross'  
25 sisters or children?

1 A. Yes.

2 Q. More than once?

3 A. Yes.

4 Q. And sometimes Ray wouldn't be there, right?

5 A. No.

6 Q. So you went to the movies with Ray and his sisters  
7 and his kids and his grandkids, right?

8 A. Yes.

9 Q. He included you as part of his family?

10 A. Yes.

11 Q. To the best of your knowledge, does your mother  
12 have a particularly excellent memory?

13 MR. PERRI: Objection.

14 THE COURT: Sustained.

15 Q. Have you ever known your mother to memorize 15  
16 digit numbers?

17 MR. PERRI: Objection.

18 THE COURT: Sustained.

19 Q. When was the last time you spent time with your  
20 grandmother?

21 MR. PERRI: Objection.

22 THE COURT: Overruled.

23 A. I don't remember.

24 Q. Do you know where your grandmother lives now?

25 A. A townhouse.

1 Q. Do you know what -- is that in Nassau County?

2 A. Yes.

3 Q. Do you know what community or hamlet, village  
4 within Nassau County that is?

5 A. Hempstead.

6 Q. In Hempstead. So not very far from where you live  
7 in West Hempstead, right?

8 A. Right.

9 Q. And she's been living there for about five years?

10 A. I don't know.

11 Q. But you can't remember the last time you visited  
12 her?

13 A. No.

14 Q. Have you ever visited her there?

15 MR. PERRI: Objection.

16 THE COURT: Sustained.

17 Q. Now, you told us yesterday that your school is  
18 within walking distance from -- withdrawn.

19 The school that you attended, Howard T. Herber, do  
20 I have that right?

21 A. Yes.

22 Q. Howard T. Herber was the middle school?

23 A. Yes.

24 Q. You attended that school sixth, seventh and eighth  
25 grade, right?

1 A. Yes.

2 Q. And that was walking distance, right?

3 A. Yes.

4 Q. And you said you would walk there about three out  
5 of five mornings on a regular five day school week?

6 A. Yes.

7 Q. And how about coming home, how would you get home?

8 A. Walk.

9 Q. And would you walk also about three days a week?

10 A. Well, I walked every day.

11 Q. You walked home every day?

12 A. Yes.

13 Q. And did you walk home with other kids or alone?

14 A. With my friends.

15 Q. You would walk home with your friends?

16 A. Yes.

17 Q. Now, were there certain times when you would ask  
18 for a ride home?

19 A. Only when it's really cold outside.

20 Q. When it was cold outside you wouldn't take the bus,  
21 you would call and ask for a ride?

22 A. Yes.

23 Q. And when you needed a ride home, who would you ask?

24 A. My friends.

25 Q. Your friends were old enough to drive or your

1 friends' parents?

2 A. No, my friends' parents.

3 Q. So you would ask your friends' parents and  
4 sometimes you will get a ride home that way?

5 A. Yes.

6 Q. Did you ever ask any of your adult family members  
7 for a ride home?

8 A. No.

9 Q. You have a brother that is old enough to drive,  
10 right?

11 A. Yes.

12 Q. He was old enough to drive at that point in time  
13 also, right?

14 A. Yes.

15 Q. But you never asked him for a ride home?

16 A. He didn't have a car.

17 Q. How about your mom, would you ever ask her for a  
18 ride home?

19 MR. PERRI: Objection.

20 THE COURT: Sustained.

21 MR. ZERNER: If I can just have one moment  
22 with my client, your Honor.

23 (Pause in the proceedings.)

24 Q. Most days when you were in school, would you bring  
25 lunch with you?

1 A. No.

2 MR. PERRI: Objection.

3 THE COURT: The witness answered.

4 Next question.

5 Q. Were there times when you asked somebody to bring  
6 you lunch at school?

7 A. No.

8 Q. I'm sorry, I didn't hear you.

9 A. No.

10 Q. You have never asked anybody to bring you lunch at  
11 school?

12 A. No.

13 Q. Did you ever use the school phone to call home  
14 during the day?

15 A. No.

16 MR. PERRI: Objection.

17 THE COURT: Sustained.

18 Q. You told us yesterday that when your mom caught you  
19 with the cell phone in October of 2014, she was angry on a  
20 scale of one to ten about a seven, right? Do you remember  
21 testifying to that?

22 A. Yes.

23 Q. When was the last time you saw her angry on a scale  
24 of ten?

25 MR. PERRI: Objection.

1 THE COURT: Sustained.

2 Q. Had you ever seen her more angry than when she  
3 caught you with that cell phone?

4 MR. PERRI: Objection.

5 THE COURT: No, overruled.

6 A. Yes.

7 Q. Now, aside from taking away that cell phone from  
8 you, what else did she do to punish you?

9 A. Nothing.

10 Q. Now, you told us that Hempstead Lake State Park is  
11 just down the street from your house, right?

12 A. Yes.

13 Q. And you were allowed to go to the park by yourself,  
14 correct?

15 A. No.

16 Q. You weren't allowed to go to the park alone?

17 A. No.

18 Q. You were allowed to walk to and from school which  
19 was further away, but you weren't allowed to go to the park  
20 by yourself, is that your testimony?

21 A. I didn't walk to school by myself.

22 Q. Sometimes you would be late for school, right?

23 A. Yes.

24 Q. And you would miss the school bus?

25 A. Yes.

1 Q. And the other kids that you might have walked with  
2 got on the school bus, correct?

3 A. Yes.

4 Q. So you had to hustle to get to school, right?

5 A. But I walked with my sister.

6 Q. Well, your sister didn't go to the middle school,  
7 right?

8 A. Yeah, but --

9 MR. PERRI: Objection.

10 THE COURT: Overruled.

11 A. But the middle school and the high school are right  
12 across the street from each other.

13 Q. This is your older sister?

14 A. Yes.

15 Q. There were days when you were both late?

16 A. Yes.

17 Q. Was it the same bus you would have taken or two  
18 different buses?

19 MR. PERRI: Objection.

20 THE COURT: Sustained.

21 Q. Were there times when you would go to Hempstead  
22 Lake State Park with your sister?

23 A. Yes.

24 Q. And that was allowed, right?

25 A. Yes.



1 Q. And you would run into people that you knew when  
2 you were at the park, right?

3 A. Yes.

4 Q. It was your neighborhood park, right?

5 A. Yes.

6 Q. I mean, it's a big state park, but it's just down  
7 the street from you, right?

8 A. Yes.

9 Q. So you remember clearly when you first got your  
10 first cell phone from your Uncle George and your dad, Rafael  
11 Mickens, right?

12 A. Not clearly.

13 Q. You don't remember that clearly?

14 A. No.

15 Q. But you do remember that's who gave you your first  
16 cell phone, right?

17 A. Yes.

18 Q. You told us that whenever you had a cell phone, you  
19 used it on a daily basis, correct?

20 A. Yes.

21 Q. And you were using it to call and to text many  
22 people, correct?

23 A. Yes.

24 Q. One of those people was sometimes Ray Ross, right?

25 A. Yes.

1 Q. But you also texted and called other friends and  
2 relatives, right?

3 A. Yes.

4 Q. So when ADA Perri had you take a look at text  
5 messages that were printed out from your cell phone, did it  
6 include all of the text messages that you had made back and  
7 forth with all of the friends and relatives?

8 A. No.

9 Q. He told you to look at the text messages from Ray  
10 Ross, right?

11 A. Yes.

12 Q. So he focused what you should be looking at,  
13 correct?

14 A. Yes.

15 Q. There were some people like your close friends that  
16 you would text with on a daily basis as well, correct?

17 A. Yes.

18 Q. And you were using the cell phone at all hours of  
19 the day, correct?

20 A. Yes.

21 Q. And your mother didn't want you using the cell  
22 phone at that point in time because you weren't supposed to  
23 have one, right?

24 A. Yes.

25 Q. In fact, she took the cell phone away from you

1 twice, right?

2 A. Yes.

3 MR. ZERNER: I have nothing further at this  
4 time.

5 THE COURT: Very good. Thank you, Mr. Zerner.  
6 Mr. Perri, redirect examination?

7 MR. PERRI: No redirect, your Honor.

8 THE COURT: Very good.

9 Millinia, thank you for your testimony. It's  
10 concluded, so you are free to go now. Please follow the  
11 direction of the court officer.

12 (Whereupon, the witness was excused.)

13 THE COURT: Your next witness, Mr. Perri.

14 MR. PERRI: Your Honor, the People call Joshua  
15 Hanson.

16 J O S H H A N S O N, residing in the County of Queens,  
17 having been called as a witness on behalf of the  
18 People, having been duly sworn by the Clerk of the  
19 Court, was examined and testified as follows:

20 THE CLERK: State your name, spell your first  
21 and last name and give us your county of residence.

22 THE WITNESS: My name is Josh, J-O-S-H,  
23 Hanson, H-A-N-S-O-N. My county of residence is Queens  
24 County.

25 THE COURT: Mr. Perri, your witness.

1 MR. PERRI: Thank you, your Honor.

2 DIRECT EXAMINATION

3 BY MR. PERRI:

4 Q. Good morning, Mr. Hanson.

5 A. Good morning.

6 Q. Mr. Hanson, are you currently employed?

7 A. I am.

8 Q. What do you do for a living?

9 A. I'm the director of the Nassau County Child  
10 Advocacy Center.

11 Q. Could you please explain what your job duties and  
12 responsibilities are as the director of the Child Advocacy  
13 Center?

14 A. Yes. So the Nassau County Child Advocacy Center is  
15 a partnership between Nassau County Police Special Victim's  
16 Squad, Nassau County Child Protective Services, Nassau County  
17 Medical Center and a number of other partners to collaborate  
18 and investigate allegations of child abuse and to provide  
19 services for victims of child abuse.

20 My role there is to facilitate our team response.  
21 So, to provide trainings and education to our partners, to  
22 ensure that cases are investigated in accordance with  
23 established best practices and to resolve any conflicts that  
24 arise within the team.

25 Q. When did you become the director of the Child

1 Advocacy Center?

2 A. I started in September of 2013.

3 Q. And prior to that position, what did you do before  
4 becoming a director?

5 A. I was a forensic interviewer at Safe Horizons  
6 Brooklyn Child Advocacy Center.

7 Q. What is Safe Horizons?

8 A. Safe Horizons is a not-for-profit victim advocacy  
9 agency that runs the child advocacy centers in the five  
10 boroughs of New York.

11 Q. And what were your responsibilities as a forensic  
12 interviewer?

13 A. My primary responsibility was to conduct forensic  
14 interviews pursuant to allegations of abuse pursuant to cases  
15 for Nassau County -- excuse me, New York Police Departments,  
16 Brooklyn Child Abuse Squad, ACS, Brooklyn Child Abuse Squad  
17 and extra jurisdictional partners. So, I did interviews  
18 there for Homeland Security, ICE, the FBI and the postal  
19 inspector.

20 Q. And how long were you at Safe Horizons?

21 A. I was there for a little under four years.

22 Q. Now, prior to your position with Safe Horizons did  
23 you hold another position?

24 A. Yes, I was a clinician with South Bay Children's  
25 Mental Health.

1 Q. Could you please explain what your responsibilities  
2 were at South Bay Children's Mental Health?

3 A. I was a trauma clinician there, so I provided  
4 counseling services for primarily child victims of trauma,  
5 but also some adults, and I did some group work in  
6 residential programs for adolescents, primarily adolescents.

7 Q. Mr. Hanson, could you please explain your  
8 educational background?

9 A. I have a Master's Degree in Counseling Psychology  
10 from Lesley University and a Bachelor's of Business  
11 Management from Bentley College.

12 Q. Have you received any specialized training with  
13 regards to forensic interviewing of children?

14 A. I have attended state and national trainings in  
15 forensic interviewing, advanced forensic interviewing and a  
16 number of other modalities.

17 Q. Do you have any training with regard to child  
18 sexual abuse?

19 A. I do, yes. I have attended, at this point, a  
20 couple of dozen state and national conferences regarding  
21 child abuse and forensic interviewing.

22 Q. And do you have any education or training with  
23 respect to sexual perpetration?

24 A. I do, yes. That's a part of the trainings in child  
25 sexual abuse. A part of that is the dynamics of

1     perpetration.

2             Q.     During your career have you completed forensic  
3     interviews of children?

4             A.     I have, yes.

5             Q.     And were these children that were suspected of  
6     being sexually abused?

7             A.     Yes.

8             Q.     Could you explain to the jury first what, just  
9     briefly, sum and substance, a forensic interview entails?

10            A.     A forensic interview is a structured conversation  
11     as it relates to child sex abuse. A forensic interview is a  
12     structured conversation with a child pursuant to an  
13     allegation or a concern of abuse. It proceeds through a  
14     number of stages.

15                    You know, there is an initial rapport building  
16     stage, a stage in which you go through the rules of the  
17     forensic interview because it is a unique conversation. The  
18     conversation should be conducted in a way that's open-ended.  
19     We're not asking leading questions. We're asking open-ended  
20     questions. It should also be done in a way that is  
21     developmentally appropriate. So, we would ask a  
22     four-year-old different questions or we would question a  
23     four-year-old in a different way than say a 14-year-old.

24            Q.     Approximately how many forensic interviews have you  
25     conducted?

1           A.    I can't give an exact number, but at this point  
2 it's well over a thousand.

3           Q.    And have you ever trained other interviewers?

4           A.    I have. I provide trainings at the local, state  
5 and national level both on forensic interviewing and the  
6 Child Advocacy Center response.

7           Q.    And have you ever taught courses or seminars with  
8 regard to forensic interviewing of children on child sexual  
9 abuse?

10          A.    I have, yes, at the local, state and national  
11 level.

12          Q.    Do these trainings that you conducted include  
13 sexual perpetration issues?

14          A.    Yes. As a matter of helping interviewers and  
15 investigators understand child abuse, it's really important  
16 that they have an understanding of the dynamics and the  
17 patterns by which offenders gain access to children.

18          Q.    Have you ever testified in Court as an expert  
19 witness?

20          A.    I have, yes.

21          Q.    And what courts have you testified in as an expert?

22          A.    I testified in Brooklyn Family Court, Queens Family  
23 Court and in Nassau Criminal Court. Nassau County Criminal  
24 Court.

25          Q.    And approximately how many times have you testified



1 in Nassau County Criminal Court as an expert?

2 A. At this point, more than a half dozen times.

3 Q. Now, in County Court, have you been deemed an  
4 expert in forensic interviewing, child sexual abuse and child  
5 sexual perpetration?

6 A. I have, yes.

7 THE COURT: Could you say the three of those  
8 again?

9 MR. PERRI: Yes, your Honor, I apologize.

10 THE COURT: Slowly.

11 MR. PERRI: Forensic interviewing, child  
12 sexual abuse and sexual perpetration.

13 THE COURT: Thank you.

14 Q. Mr. Hanson, have you been deemed to be an expert in  
15 those areas?

16 A. I have, yes.

17 Q. Has the Court ever failed to find you to be an  
18 expert witness in these areas?

19 A. No.

20 MR. PERRI: Your Honor, I ask the Court to  
21 deem the witness an expert in the fields of forensic  
22 interviewing, child sexual abuse and sexual  
23 perpetration.

24 THE COURT: Okay, I have your application. I  
25 have a question for Mr. Hanson.

1 Now, with regard to sexual perpetration, is  
2 that a term of art, yes or no?

3 THE WITNESS: I'm sorry, I don't understand  
4 term of?

5 THE COURT: Art.

6 THE WITNESS: It would be spoken of in a  
7 number of different ways, but the patterns of  
8 perpetration is the way that we encapsulate offender  
9 behaviors, yes.

10 THE COURT: Is there a definition of sexual  
11 perpetration or could you give me that?

12 THE WITNESS: Sexual perpetration is the  
13 pattern of behaviors in which offender engages to gain  
14 access to and sexually abuse a child.

15 THE COURT: Mr. Zerner, do you have any voir  
16 dire?

17 MR. ZERNER: I do.

18 VOIR DIRE EXAMINATION

19 BY MR. ZERNER:

20 Q. Good morning, Doctor.

21 MR. PERRI: Objection.

22 THE COURT: Hold on one second. Overruled.

23 You can answer the question. He said good  
24 morning, Doctor.

25 A. I'm not a doctor, but good morning.

1 Q. Thank you.

2 So you don't hold a doctorate of any kind?

3 A. I do not.

4 Q. And you never attended medical school, right?

5 A. I have not.

6 Q. You said on direct examination you went to what  
7 college?

8 A. Lesley University.

9 Q. Where is that located?

10 A. Cambridge, Massachusetts.

11 Q. It's not Harvard, it's not M.I.T., it's Lesley?

12 MR. PERRI: Objection.

13 THE COURT: Sustained.

14 Q. You said another school after that.

15 A. Yup, Bentley College. Now Bentley University.

16 Q. Where is that?

17 A. In Waltham, Massachusetts.

18 Q. Now, you said in college you received a Bachelor's  
19 of Business?

20 A. Business management, correct.

21 Q. That had nothing to do with anything involving the  
22 topics we're talking about here now, right?

23 A. Not really, no.

24 Q. And then did you work for a while after college  
25 before attending graduate school?

1           A.    Yes, I served in the military and then I worked at  
2 a school for multi disability children.

3           Q.    How many years was that gap?

4           A.    I was in the military for four years and I worked  
5 at Perkins High School for the Blind for four or five years.

6           Q.    So that was about a nine year gap between the time  
7 you graduated college and the time you went back to school?

8           A.    That's fair to say.

9           Q.    How many years was your degree at Lesley?

10          A.    Two years.

11          Q.    Two years.

12                Now, you testified a few moments ago that you were  
13 found as an expert in Nassau Criminal Court, right?

14          A.    Correct.

15          Q.    Those are misdemeanors, right?

16          A.    The cases that I testified to?

17          Q.    Right.

18          A.    I believe they were --

19                THE COURT: Hold it. Sustained.

20          Q.    Well, in the five boroughs, the lower level of  
21 courts are called criminal courts, right, and the higher  
22 level is supreme?

23                MR. PERRI: Objection.

24                THE COURT: Sustained.

25          Q.    Well, you said you testified in the city in Family

1 Court, right?

2 A. That's correct.

3 Q. But not in Criminal Court?

4 A. That's correct.

5 Q. And you said you testified in Nassau County  
6 Criminal Court, right?

7 A. That's correct.

8 Q. In Nassau County there is District Court and then  
9 there is County Court, right?

10 THE COURT: Sustained.

11 Q. Have you ever testified --

12 THE COURT: Sustained. Hold on.

13 Mr. Hanson, with regard to your testimony in  
14 Nassau County, were they in regard to criminal  
15 proceedings or civil proceedings?

16 THE WITNESS: Criminal proceedings, your  
17 Honor.

18 THE COURT: Next question.

19 Q. How many times?

20 A. More than half a dozen at this point.

21 Q. And that was in Hempstead?

22 A. That was yeah, physically here, yeah.

23 Q. In Hempstead?

24 A. No, it was physically here in I guess we're in  
25 Garden City.

1 Q. How many times have you testified here in Mineola  
2 as I'll call it?

3 A. More than half a dozen times.

4 Q. So have you ever testified before for Mr. Perri?

5 A. I have, yes.

6 Q. You have. Multiple times?

7 A. I think I have. I think this is the second or  
8 third occasion that I'm testifying for Mr. Perri.

9 Q. How long ago was the first time you testified in  
10 Mineola?

11 A. I would say two to two-and-a-half years ago.

12 Q. And prior to that you had never testified in  
13 Criminal Court anywhere in the State of New York?

14 A. That's correct.

15 MR. ZERNER: Nothing further at this time,  
16 Judge.

17 THE COURT: Thank you.

18 With regard to the People's application to  
19 deem Mr. Hanson an expert in the field of forensic  
20 interviewing, child sexual abuse and sexual  
21 perpetration, that application is granted.

22 Ladies and gentlemen, in my instructions  
23 before the trial I told you that you are to evaluate all  
24 witnesses in the same particular manner and you can take  
25 into consideration training, experience, education, and

1           such. So, in your evaluation of Mr. Hanson, I instruct  
2           you that you evaluate Mr. Hanson's testimony in the same  
3           manner as you do any other witness.

4                       MR. PERRI: Thank you, your Honor.

5 DIRECT EXAMINATION (Cont'd)

6 BY MR. PERRI:

7           Q. Mr. Hanson, are you familiar with the term  
8           disclosure in the context of child sexual abuse?

9           A. I am, yes.

10          Q. And could you please explain what the term  
11          disclosure means?

12          A. What we would consider disclosure is positive  
13          statements of abuse by a child. So, in other words, a child  
14          stating that abuse has occurred.

15          Q. Are there patterns and dynamics of disclosure in  
16          child sexual abuse cases?

17          A. There are. One of the important considerations is  
18          what we would call the posture of the child to the  
19          allegation. You know, we would consider how the disclosure  
20          came about.

21                       So I use the terms when I'm training that you have  
22          children who are active disclosers, which means they sought  
23          someone out to tell them about it, whether a family member, a  
24          teacher or another trusted person.

25                       There are kids who I would say are ambivalent

1     disclosers and often when these children disclose, they're  
2     sort of testing the waters to see. They'll tell a friend at  
3     school and see if it is a normal thing that's happening. Is  
4     it happening to you as well?

5             The third are what I call reluctant disclosers.  
6     They are kids who haven't made statements to anybody, but  
7     there are concerns of abuse, whether it's a caregiver that  
8     has a suspicion or whether there's a medical finding or  
9     something else, they are brought in to have an interview  
10    conducted. They tend to be the most challenging kids to  
11    interview because often they're not ready to disclose.  
12    They're not actively disclosing.

13            Q.    And when you say they are not actively disclosing,  
14    could you please explain that term?

15            A.    So when we say they are not actively disclosing,  
16    they haven't -- the investigation wasn't triggered by their  
17    statements of abuse, it was triggered by another mechanism.  
18    Again, that could be there is medical findings, someone has  
19    concerns, things like that.

20            Q.    Mr. Hanson, are you familiar with the term grooming  
21    in the context of child sexual abuse?

22                   MR. ZERNER:  Objection; leading.

23                   THE COURT:  Overruled.

24            A.    I am, yes.

25            Q.    Could you please explain the term grooming?



1           A.    Grooming is the pattern of behaviors that an  
2 offender engages in to gain access to a child. We tend to  
3 think of sex abuse as the final act. We think of the sexual  
4 act against the child. But, in reality, there is a pattern  
5 of behaviors that offenders engage in generally in order to  
6 gain access.

7                    So, through interviews with caregivers we have  
8 heard them talk about -- I'm sorry, through interviews with  
9 offenders, we've heard them talk about they refer to it as  
10 seduction behavior. So, it's not just gaining access to the  
11 child, but sort of ingratiating themselves to the family so  
12 they have access to that child. So, developing a  
13 relationship in which they are trusted both by the caregivers  
14 and the child.

15           Q.    Mr. Hanson, are you familiar with the term boundary  
16 incursions?

17           A.    I am, yes. It's the process by which the caregiver  
18 socializes the child into the sexual relationship. So, it  
19 can be things like normalizing the behavior in front of  
20 caregivers. So, perpetrators will talk about how they will  
21 brush up against a child, you know, in order to elicit a  
22 reaction from a child that the non-offending caregiver will  
23 then say calm down, you are being too sensitive. He touched  
24 you accidentally. So it reenforces for the child this is a  
25 normal thing. This isn't something someone is going to

1 protect you from.

2 Another boundary incursion generally occurs when  
3 the relationship switches from a positive sort of, you know,  
4 the ingratiation stage into the sexualization of the  
5 relationship. So it can be things like showing pornography,  
6 finding opportunities to see the child in various states of  
7 undress and starting to introduce physical touching to the  
8 relationship.

9 Q. Now, according to your training and experience, are  
10 the patterns of disclosure affected by any relationship that  
11 might exist between the abuse and the abuser?

12 MR. ZERNER: Objection; vague.

13 THE COURT: Overruled.

14 A. Yes. What we know from the research, the closer  
15 the relationship is, the less likely the child will disclose.  
16 So when it's a family member, when it's a trusted family  
17 friend, it's less likely that that child is going to disclose  
18 than if it's a stranger, than if it's someone they don't  
19 know. It also affects the actual disclosure and interview  
20 process.

21 What we tend to see is that often -- I always use  
22 the analogy of dipping your toe in the pool -- that a kid  
23 will sort of test the waters and not tell everything  
24 initially, but will maybe give a little bit and then down the  
25 line the disclosure sort of trickles out as they feel more

1 comfortable or they feel that they are believed.

2 Q. Mr. Hanson, does the voluntariness or  
3 involuntariness of a disclosure affect the disclosure?

4 A. Yes. I mean, as we talked about before, so if a  
5 kid hasn't initiated or made statements of abuse, then it's  
6 less likely that they will disclose in an interview and more  
7 likely that they might minimize or make a partial disclosure  
8 in an interview.

9 Q. Mr. Hanson, according to your training and  
10 experience, is voluntary disclosure at the same time abuse is  
11 occurring, is that common or uncommon?

12 A. So what we would talk about is delayed disclosures.  
13 Often the disclosures that we tend to get are down the line  
14 from when the actual abuse has occurred and certainly down  
15 the line if it is more chronic. If it's abuse that occurs  
16 over time, then often it will have been going on for a period  
17 of time before a child will disclose. A lot of that has to  
18 do with the relationship that the offender has with the  
19 child.

20 Again, generally it's someone that has ingratiated  
21 themselves into the family and someone that has developed a  
22 modicum of trust with the family and with the child and yeah,  
23 yeah, yeah.

24 Q. Would the context or location of the interview,  
25 does that affect a child's disclosure?

1           A.    So I guess I can speak to what we try and do at the  
2 Child Advocacy Center and one of our goals is to create a  
3 child friendly and family friendly environment where  
4 caregivers and children can feel safe. We want to reduce  
5 anxiety. Anxiety is the enemy of good interviews.

6                    So, you know, a situation that might arouse anxiety  
7 in a child, certainly we want to avoid. We want to help them  
8 feel as comfortable as possible. That's the reason we do an  
9 initial rapport building phase and we don't just jump into  
10 were you abused, yes or no?

11           Q.    Mr. Hanson, are you familiar with the clinical term  
12 pedophile?

13           A.    I am, yes.

14           Q.    And could you please define that term and when it's  
15 clinically used?

16           A.    So the clinical definition of a pedophile is  
17 someone who is solely sexually attracted to prepubescent  
18 individuals, boys or girls. Again, it's important to know  
19 that their sole attraction is to prepubescent boys and girls.

20                   We use pedophile colloquial for anybody that  
21 sexually abuses a child, but in reality, the number of  
22 pedophiles in society is pretty low. By the clinical  
23 definition, the number is pretty low; somewhere on the order  
24 of one to one-and-a-half percent, according to the research.  
25 In reality, it's much more common for people to have -- for

1 people who have sexual attraction, sexual inclination towards  
2 children, to also have sexual feelings towards adults.

3 Q. And could you then contrast the term sexual  
4 perpetrator with pedophile?

5 A. Yes. So not all pedophiles are sexual perpetrators  
6 because there are people who have inclinations that they  
7 don't act on and not all perpetrators are pedophiles. In  
8 fact, the minority of perpetrators are pedophiles because the  
9 vast majority of offenders will also have relationships,  
10 sexual relationships with adults. And, in fact, that's one  
11 of the strategies that perpetrators talk about using to gain  
12 access to a child. So, you know, identifying a child who  
13 doesn't have a strong support system, maybe a single parent  
14 household, and developing a relationship with that caregiver  
15 in order to gain access to the child and often that is a  
16 partner relationship or a sexual relationship.

17 Q. According to your training and experience, is  
18 sexual abuse of a child by a stranger, is that a common  
19 occurrence?

20 A. It's far less common than abuse by someone that the  
21 child knows. What we know from the research is that 90  
22 percent of child sexual abuse --

23 MR. ZERNER: Your Honor, I'm going to object.

24 This is not responsive to the question.

25 THE COURT: Overruled.

1           A.    What we know from the research is that 90 percent  
2 of child sexual abuse is perpetrated by someone the child  
3 knows. Sixty percent of it is by a family member.

4           Q.    Mr. Hanson, is religiosity relevant in determining  
5 whether a subject is a sexual perpetrator?

6           A.    It's not a useful criteria to assess whether or not  
7 someone would abuse children. We know that virtually every  
8 faith tradition has had a sex abuse scandal. We know the  
9 Catholic church, the Mormon church, Orthodox, Jewish faith.  
10 Virtually every religious faith has had sex abuse scandals.

11                So, to use that as sort of a barometer to assess if  
12 someone who is religious would abuse a child is not terribly  
13 useful. And, again, what we know from interviews with  
14 convicted perpetrators is that often they'll use those  
15 certain activities and certain almost cloak themselves in  
16 certain things in able to be a more trusted member of the  
17 community.

18                So, we know that while most coaches, most religious  
19 folks are wonderful people, there are a subset of people who  
20 will join those communities as a way of building trust within  
21 the communities and to have access to the children that they  
22 want to offend against.

23           Q.    Mr. Hanson, is kindness towards children, is that  
24 incompatible with being a sexual perpetrator?

25           A.    It's something we hear a lot. Well, this person is

1 such a nice guy. Kids love him.

2 MR. ZERNER: Your Honor, I'm going to object.

3 It was a yes or no question. He is just wound up and  
4 talks.

5 THE COURT: Thank you, Counsel.

6 Sustained as to the question.

7 Q. Could you please explain your answer, Mr. Hanson?

8 THE COURT: He didn't answer, so why don't you  
9 repeat your question.

10 Q. Is whether a person -- withdrawn.

11 Is kindness towards children incompatible, that  
12 characteristic, is it incompatible with being a sexual  
13 perpetrator?

14 A. No.

15 Q. Could you please explain your answer?

16 A. So, again, if we think about perpetrating behavior  
17 as goal oriented, the goal is to have access to a child. We  
18 don't tend to let our children around the creepy guy in the  
19 trench coat on the corner. We tend to let our children  
20 around people that are trusted coaches, people of our  
21 religious denomination. People who seem to be kind to  
22 children.

23 We know again from interviews with convicted  
24 perpetrators that this is a strategy they use. The initial  
25 stages of the relationship are very normal. It's developing

1 a relationship with a family. It's developing a relationship  
2 with a child and that in the initial stages, that  
3 relationship isn't sexual.

4 So, you know, it's again, similar to religiosity.  
5 It's not a terribly useful yardstick as to whether or not  
6 someone would offend against a child.

7 MR. PERRI: Thank you, your Honor, nothing  
8 further.

9 THE COURT: Mr. Zerner.

10 MR. ZERNER: Thank you, your Honor.

11 CROSS-EXAMINATION

12 BY MR. ZERNER:

13 Q. Mr. Hanson, you seem to be relying on some studies  
14 where perpetrators talk about their behavior?

15 A. There is a number of studies, yeah.

16 Q. Well, you're testifying right now and you said  
17 well, the perpetrators talk about this and this is where you  
18 are getting your information from, right?

19 A. Some of the information, yes.

20 Q. Is it fair to say that people who have been  
21 convicted of these crimes are eager to talk to you or people  
22 that are doing these studies?

23 A. I don't know. I don't conduct the studies, so I  
24 wouldn't think they would be eager to speak about these  
25 things.



1 Q. Have you published any papers on this?

2 A. I haven't, no.

3 Q. Have you read papers on this?

4 A. I have, yes.

5 Q. Is it fair to say there is some confusion about  
6 whether or not you should be able to rely on what these  
7 perpetrators say because they have an ulterior motive?

8 A. I wouldn't say that, no.

9 Q. These are people you are telling us in society were  
10 devious and were perpetrating offenses against children,  
11 right?

12 A. Correct.

13 Q. And then they were caught and then incarcerated?

14 A. Correct.

15 Q. And then these people were given some type of  
16 incentive to talk to a doctor or some type of a therapist,  
17 right?

18 MR. PERRI: Objection.

19 THE COURT: Overruled.

20 A. I'm not aware of any incentive that was provided.  
21 Generally what happens is people who are convicted for these  
22 crimes are engaged about would you be willing to talk about  
23 what you did. It's often a part of their therapeutic  
24 process, but there is no reduced sentence. There is no  
25 incentive I'm aware of to speak to the interviewers.

1 Q. If you are not aware of an incentive, how are you  
2 aware there is no incentive?

3 A. Well, because the methodology of the studies  
4 describes that they were engaged, as I said, to talk about  
5 the patterns of perpetration.

6 Q. Right. But these studies would have to indicate to  
7 you whether there was any kind of incentive given to the  
8 people participating, correct?

9 A. They should, yes.

10 Q. They should, but they don't always, do they?

11 A. I mean, I can't speak to that. I didn't  
12 participate in the interviews.

13 Q. You don't know because you have never been  
14 published, right?

15 A. True.

16 Q. So now you told us earlier on that your first job  
17 out of graduate school was up in the Boston area?

18 A. It was, yes.

19 Q. And you started off there as a trauma clinician?

20 A. That's correct.

21 Q. And is that an entry level job for someone with  
22 your education and background?

23 A. It's an entry level fee-for-service counseling job,  
24 yes.

25 Q. And that was your start of your career path, right?

1 A. In this field, correct.

2 Q. Well, this is the field you are still involved in,  
3 correct?

4 A. Yes.

5 Q. You started that in June of 2005?

6 A. Yes.

7 Q. And you have been on this career path for the last  
8 ten plus years, right?

9 A. Correct.

10 Q. How do you advance within that career?

11 A. How do you advance within that career? I don't  
12 understand the question.

13 Q. Well, you started off you were a trauma clinician,  
14 right?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. You can't say uh-huh.

19 A. Understood.

20 Q. So now you started off there and were you ever  
21 deemed as an expert while you were working in Brockton,  
22 Massachusetts?

23 A. I was never asked to testify.

24 Q. Did you observe your bosses testify?

25 A. No.

1 Q. You never went to Court before 2009?

2 A. No.

3 Q. And how did you get the job in the Brooklyn Child  
4 Advocacy Center?

5 A. I moved to Brooklyn and I applied for a job at the  
6 Brooklyn Child Advocacy Center.

7 Q. You sent out a resume?

8 A. Yes.

9 Q. Had an interview?

10 A. Yes.

11 Q. And at that point in time you were put into a  
12 different title, right? You were then a clinical forensic  
13 specialist?

14 A. That's correct.

15 Q. So that was a career advancement, right?

16 A. No, it's more of a lateral move.

17 Q. It was a lateral move, but you just had a fancier  
18 title?

19 A. Yeah, that's what they called the position that I  
20 worked in.

21 Q. Was there extra money?

22 A. It's sort of apples and oranges, because  
23 fee-for-service you are paid based on the number of clients  
24 that you see. It ended up being that I made more money, but  
25 that was largely a function of my client load when I was in

1 Brockton, so it's hard to compare the two.

2 Q. Now, when you were working in Brooklyn, who was  
3 your boss?

4 A. I worked for the director of clinical and forensic  
5 services at the Safe Horizons Brooklyn Child Advocacy Center.

6 Q. And is that connected with other CACs or child  
7 advocacy centers in the five boroughs?

8 A. Yes. Safe Horizons is the umbrella agency for, at  
9 the time, the CACs in four of the five boroughs. Now they  
10 have opened the Bronx CACs, so five of the five boroughs.

11 Q. Is there a director for all five of the boroughs?

12 A. There is someone that oversees the Child Advocacy  
13 Center component which oversees a number of different  
14 programs. Each Child Advocacy Center has its own executive  
15 director.

16 Q. Who's the executive director in Brooklyn when you  
17 were working there?

18 A. Jenna Diacomanolis.

19 Q. And is she still there?

20 A. Yes.

21 Q. Now, that's a higher title within the organization  
22 than the title that you had, correct?

23 A. That's correct.

24 Q. So she advanced further in her career?

25 A. Yes.

1 Q. And you were looking to advance your career, right?

2 A. Yes.

3 Q. So now as of August of 2013, had you ever testified  
4 in Court and been qualified as an expert?

5 A. Yes.

6 Q. How many times?

7 A. I would say between ten and 15 times.

8 Q. How many times in Criminal Court?

9 A. None.

10 Q. None in Criminal Court?

11 A. None in Criminal Court prior to 2013.

12 Q. Now, prior to 2013, had you ever been paid to be an  
13 expert in any Court, whether it's Family Court or Criminal  
14 Court?

15 A. No.

16 Q. You had never been paid to be an expert?

17 A. No.

18 Q. Were any of your colleagues at the CAC called as  
19 expert witnesses?

20 A. No. Most people were reluctant to testify, so I  
21 was the one that ended up testifying as an expert.

22 Q. When?

23 A. I'm sorry, when?

24 Q. You just told us that you did testify as an expert.

25 A. Yes, when I worked at the Brooklyn CAC I

1 testified -- Brooklyn Child Advocacy Center I testified as an  
2 expert in Family Court.

3 Q. In Family Court, right?

4 A. Yes.

5 Q. Who paid you to go to Family Court?

6 A. Nobody paid me to go. I didn't receive -- I went  
7 as part of my regular job responsibilities as part of my  
8 regular -- in the course of my regular shift. I didn't  
9 receive additional compensation.

10 Q. So now before testifying in those occasions did you  
11 review the transcripts of other people who had testified?

12 A. No, I did not.

13 Q. You never reviewed any transcripts?

14 A. No.

15 Q. Did you ever speak with the attorneys involved  
16 before you testified?

17 A. Yes.

18 Q. So now in August of 2013 you left this job in  
19 Brooklyn and you got a higher job in Nassau County, right?

20 A. Correct.

21 Q. That was a career advancement?

22 A. Correct.

23 Q. This is something that you sought out?

24 A. Yes.

25 Q. You applied for the position?

1 A. Yes.

2 Q. It was more money?

3 A. Yes.

4 Q. You applied to get and you were glad to get the  
5 position?

6 A. Yes.

7 Q. You work exclusively in Nassau County now, right?

8 A. Primarily in Nassau County. I would say 95 percent  
9 of my responsibilities are within Nassau County.

10 Q. Well, from September of 2013 until today, have you  
11 ever testified in any Court outside of Nassau County, New  
12 York?

13 A. Yes.

14 Q. Where?

15 A. I testified in Queens Family Court and in Brooklyn  
16 Family Court pursuant to cases that I had been involved in or  
17 that they needed an expert and other people weren't willing  
18 to testify.

19 Q. So those were holdover cases?

20 A. Essentially, yes.

21 Q. Those were cases that you had dealt with prior to  
22 August of 2013 and the case didn't advance to Court until  
23 after you had personally moved on to Nassau County, right?

24 A. Yes.

25 Q. In the last year, have you testified outside of



1 Nassau County?

2 A. I have not.

3 Q. When you first came in September of two thousand --  
4 withdrawn.

5 Before you were hired in September of 2013 in  
6 Nassau County, who did you meet with as part of the  
7 interviewing process?

8 A. I met with the executive directors of the Safe  
9 Center.

10 Q. Okay. Where is that located?

11 A. In Bethpage.

12 Q. Did you also meet with any law enforcement  
13 personnel?

14 A. No.

15 Q. You never met with anybody from the district  
16 attorney's office?

17 A. No.

18 Q. Have you since met with people in the district  
19 attorney's office?

20 A. Yes.

21 Q. Have you since met with the bureau chief of the  
22 Special Victim's Unit in the Nassau County District  
23 Attorney's Office?

24 A. Yes.

25 Q. How often?

1           A.    We meet for bi-weekly case review, meaning every  
2 other week. She attends that regularly. And then we have ad  
3 hoc meetings, I would say, on a quarterly basis.

4           Q.    So is it fair to say that in an average year you  
5 meet at least 30 times?

6           A.    Yeah, that's fair to say.

7           Q.    Now, you personally oversee how many people at the  
8 Nassau CAC?

9           A.    I directly supervise 15 people. I don't directly  
10 supervise the law enforcement or child protective or medical  
11 components of the CAC, but I have responsibility for  
12 facilitating their day-to-day operations.

13          Q.    And you give advice to the people that you work  
14 with, whether it's law enforcement, district attorney's  
15 office, medical people, right?

16          A.    Yes.

17          Q.    And have you gone to hospitals to talk to SANE  
18 nurses?

19          A.    I generally don't as part of my responsibilities,  
20 no, but I have spoken to our partner, the SANE nurse through  
21 the Nassau University Medical Center regularly, yeah.

22                   THE COURT: I'm sorry.

23          Q.    Would you please define what a SANE nurse is?

24          A.    A SANE nurse is a sexual assault nurse examiner.  
25 That's what SANE stands for. It's the ones who -- well, it's

1 part of the medical response through our child advocacy  
2 center. They handle the emergent cases which is to say where  
3 abuse is alleged to have occurred within the last 96 hours  
4 and they conduct medical exams pursuant to those cases.

5 Q. So you personally give advice and counsel to SANE  
6 nurses, to district attorneys, assistant district attorneys,  
7 law enforcement officials, correct?

8 A. Yes.

9 Q. You understand what the proper procedures are to  
10 investigate these types of cases, right?

11 A. I do, yes.

12 Q. You have been doing this long enough that you can  
13 give advice and counsel, right?

14 A. Yes.

15 Q. Now, have you ever met Millinia Johnson?

16 A. No, I don't believe so.

17 Q. You personally have never met Millinia Johnson?

18 A. I don't think so, no.

19 Q. Did you ever observe her being sexually abused by  
20 anybody?

21 A. No.

22 Q. Did you ever meet with Sarita Johnson?

23 A. I don't believe so, no.

24 Q. Are you familiar with the name?

25 A. I'm not. It doesn't -- I don't recognize the name.

1 Q. So you have had nothing to do with any of the  
2 people involved with this case that this jury is dealing  
3 with, correct?

4 A. That's correct.

5 Q. You are just speaking on a general basis?

6 A. That's correct.

7 Q. Have you personally ever dealt with the mothers of  
8 complainants?

9 A. Yes.

10 Q. And, in fact, you have been using the term victim  
11 but, in fact, when people first bring an allegation, the  
12 proper term is complainant, right?

13 A. We use alleged victim at that point.

14 Q. But complainant would be another term you could  
15 use?

16 A. They are essentially synonymous, yes.

17 Q. So now you personally have dealt with complainants'  
18 mothers in the past, right?

19 A. Correct.

20 Q. And is it fair to say they fall into several  
21 different categories?

22 A. It's fair to say.

23 Q. Have you ever noticed complainants' mothers that  
24 were goal driven?

25 A. Yes.

1 Q. Have you ever seen some of these complainants'  
2 mothers being goal driven towards inappropriate goals?

3 A. Yes.

4 Q. Have you ever seen some of those goals as being  
5 self centered?

6 A. Yes.

7 Q. Financially based?

8 A. I'm unaware of cases where the basis was financial.

9 Q. But you are aware of the possibility, correct?

10 A. Yes, that could be a possibility, yes.

11 Q. The very allegation in and of itself is value  
12 latent, correct?

13 MR. PERRI: Objection.

14 THE COURT: I didn't hear the last part of  
15 your question, so could you repeat your question?

16 MR. ZERNER: Absolutely.

17 Q. The very fact of an allegation of a sexual crime  
18 towards a child is value latent, correct?

19 MR. PERRI: Objection.

20 THE COURT: Sustained as to the form of the  
21 question.

22 Q. You have worked in Family Court you said, right?

23 A. I have testified in Family Court.

24 Q. And you have observed in Family Court, perhaps you  
25 have observed in Family Court parents litigating or fighting

1 over custody issues, correct?

2 A. That hasn't been my role within Family Court, no.

3 Q. But you are aware that it happens?

4 A. Yes.

5 Q. In testifying in various cases, you have spoken to  
6 attorneys in those cases, right?

7 A. That's correct.

8 Q. And sometimes those attorneys would tell you things  
9 about what their client's goal is and what the adversary's  
10 goal is?

11 MR. PERRI: Objection.

12 THE COURT: Sustained.

13 Q. Do you know -- withdrawn.

14 Did anybody affiliated with the Nassau County Child  
15 Advocacy Center, to the best of your knowledge, have a  
16 conversation with Millinia Johnson?

17 A. I don't know.

18 Q. You have been there since September of 2013, right?

19 A. Yes.

20 Q. You have been in charge since September of 2013?

21 A. Yes.

22 Q. You're aware that the allegation in this case  
23 happened in October of 2014, right?

24 A. I wasn't aware of the date of the allegation.

25 Q. You did prepare with ADA Perri before coming here

1 today, right?

2 A. I did.

3 Q. Did you speak about the specifics of this case?

4 A. Very superficially. We didn't speak about the  
5 dates. We didn't speak in any great depth.

6 Q. So you are just here to speak in a general sense  
7 about how these types of cases take place, correct?

8 A. Yes.

9 Q. But you don't know anything about the people  
10 involved in this indictment, in this jury trial, right?

11 A. No, I can't speak specifically to that.

12 MR. ZERNER: Just one second, your Honor.

13 (Pause in the proceedings.)

14 Q. You said you testified in the past for ADA Perri?

15 A. That's correct.

16 Q. How much time did he spend preparing you for your  
17 testimony here today?

18 A. We spoke for maybe 15 minutes on the phone last  
19 night and then we spoke this morning for another probably 15  
20 minutes.

21 Q. But you have testified before, right?

22 A. I have.

23 Q. And he told you to come in here and testify like  
24 you have in the past?

25 A. He gave me the basic questions he was going to ask

1 and asked that I provide testimony to the best of my  
2 knowledge about those subjects.

3 Q. There is a script that is used, right?

4 MR. PERRI: Objection.

5 THE COURT: Sustained.

6 Q. And, again, you have no personal knowledge of  
7 anything that took place, if anything took place, between  
8 Millinia Johnson and my client, right?

9 MR. PERRI: Objection.

10 THE COURT: Sustained; asked and answered.

11 MR. ZERNER: Nothing further.

12 THE COURT: Any redirect, Mr. Perri?

13 MR. PERRI: No, your Honor.

14 THE COURT: Very good.

15 Mr. Hanson, thank you for your testimony.

16 It's concluded. You are free to go.

17 THE WITNESS: Thank you, your Honor.

18 (Whereupon, the witness was excused.)

19 THE COURT: Ladies and gentlemen, I think it's  
20 an appropriate time to take a break. Five minutes,  
21 stretch your legs, use the facilities. Stretch your  
22 fingers for those of you who are using your fingers.

23 (Whereupon, the jury exited the courtroom.)

24 (A recess was taken.)

25 THE CLERK: The jury is not in the courtroom



1 at this time. All parties are present, Judge.

2 THE COURT: People, is there an application  
3 with regard to the indictment?

4 MR. PERRI: Yes, your Honor. With respect to  
5 the indictment in count one, the People have an  
6 application pursuant to CPL section 200.70(1) to amend  
7 the indictment where presently count one reads deviant  
8 sexual intercourse. The statute had been changed,  
9 amended in 2003 to whereas previously deviant sexual  
10 intercourse was the subject of a definition defining it  
11 as oral sexual contact and sexual contact. The count,  
12 the charge of course of conduct in the first degree  
13 under sub B was amended to remove the term deviant  
14 sexual intercourse and replace it with oral sexual  
15 contact and sexual contact.

16 The People would ask the Court to make this  
17 amendment to the indictment. It does not materially  
18 change the People's case or the theory of the case. It  
19 does not prejudice the defendant in any way. It is a  
20 ministerial Scribner's error of using language that had  
21 been replaced, but the only replacement was to remove  
22 the step of having to look up the definition of sexual  
23 deviant intercourse. As there is no prejudice to the  
24 defendant, the People make the application to have the  
25 indictment amended, your Honor.

1 THE COURT: You said the law was changed in  
2 2003.

3 MR. PERRI: Yes, your Honor.

4 THE COURT: It's now what year?

5 MR. PERRI: It's now 2016, your Honor.

6 THE COURT: I'll hear the defense, but can you  
7 bring a direct message?

8 MR. PERRI: I have already.

9 THE COURT: Your office.

10 MR. PERRI: Yes, your Honor.

11 THE COURT: Mr. Zerner.

12 MR. ZERNER: Your Honor, you ably anticipated  
13 what the start of my discussion was going to be. I  
14 don't know why 13 years after whatever change Mr. Perri  
15 is talking about, the Nassau County District Attorney's  
16 Office is only after nine days of trial finding what  
17 they, in quite a conclusory way, is saying is not  
18 prejudicial to my client.

19 Your Honor, back when we were first dealing  
20 with this indictment during the summer of 2015, I made  
21 an application to dismiss the indictment based on a  
22 number of different factors and I received a decision  
23 from your Honor denying that request. The People have  
24 always been vague in how they have charged this case.  
25 The felony complaint barely matches up with the

1 indictment. The indictment calls on this long months,  
2 nine ten month period of time for two different counts.  
3 Two different nine or ten-month periods of time. It's  
4 been very Did I to prepare a defense for this case and  
5 if now at this very late date, as the People apparently  
6 intend to rest their case over the next few minutes, are  
7 now trying to amend the indictment, it does prejudice my  
8 client. I would ask you dismiss that charge at this  
9 time.

10 THE COURT: The Court notes defense counsel's  
11 argument, but the bottom line is is that the amendment  
12 sought by the People is one that is permitted under the  
13 law, particularly CPL Section 200.70. The Court may  
14 order the amendment of an indictment with respect to  
15 defects, errors or variances from the proof relating to  
16 matters of form, time, place, names of persons and the  
17 like when such an amendment does not change the theory  
18 or theories of the prosecution as reflected in the  
19 evidence before the grand jury. And the circumstances  
20 presented to the Court do not fall into the category  
21 under subdivision two of that same statutory section  
22 which would not allow the indictment to be amended.  
23 Therefore, the People's application is granted to the  
24 extent that the first count of the indictment is amended  
25 to read instead of deviant sexual intercourse, as I

1 indicated, instead of deviant sexual intercourse to read  
2 oral sexual contact.

3 MR. PERRI: Your Honor, I believe in the Penal  
4 Law it's conduct. Oral sexual conduct and sexual  
5 conduct.

6 THE COURT: Oral sexual conduct or sexual  
7 conduct. It's amended to read in place instead of  
8 deviant sexual intercourse, oral sexual conduct sexual  
9 conduct and then continue or aggravated sexual contact.

10 Okay, bring them in.

11 (Whereupon, the jury entered the courtroom.)

12 THE COURT: Mr. Perri, before the jury comes  
13 in, with regard to Mr. Zerner's production of a  
14 complaint interview sheet and other ancillary documents  
15 regarding the complainant Denise Sawyer, the Court  
16 reminded you of your obligations under the law. Is  
17 there anything that you wish to put on the record with  
18 regard to receipt of that?

19 MR. PERRI: No, your Honor.

20 THE COURT: Mr. Zerner, do you wish to put  
21 anything on?

22 MR. ZERNER: Very briefly, your Honor. I came  
23 into Court yesterday, provided papers that I received at  
24 10:10 p.m. the day before which would have been February  
25 16th. It's crystal clear that there were at least two

1 different police interactions between the prosecution's  
2 witness Sarita Johnson and Denise Sawyer. There was at  
3 least one assistant district attorney that was contacted  
4 by the parties involved here. There has to be  
5 paperwork. There has to be generated police  
6 documentation of this and I don't believe Mr. Perri has  
7 answered the question. He's busy like I'm busy, like  
8 we're all busy trying this case, but there are hundreds  
9 of other assistant district attorneys and personnel that  
10 clearly can and should provide whatever information  
11 there was about this incident. It has an actual  
12 tangible impact on the rest of this trial.

13 THE COURT: Thank you, Mr. Zerner.

14 Any response, Mr. Perri?

15 MR. PERRI: Your Honor, the People would like  
16 to note defense counsel has not cited, pursuant to any  
17 section of the discovery statute or any findings by the  
18 courts, as to why these documents, were they to exist,  
19 would be either discoverable or be required to be turned  
20 over pursuant to either Brady, Rosario, Giglio and their  
21 progeny. All the People are informed of is there is one  
22 police report not leading to an arrest, a trespass in  
23 the back property of one of the alleged witnesses, it's  
24 alleged, after she completed her testimony and that  
25 person who is alleged to have trespassed filed a

1 complaint with the district attorney's office. The  
2 People don't see how they're in violation of any of  
3 their requirements.

4 THE COURT: The record has been established  
5 with regard to this issue. The Court finds no need to  
6 add to the record on that issue.

7 (Whereupon, the jury entered the courtroom.)

8 THE CLERK: Let the record reflect the  
9 presence of the jury. All parties are present.

10 People ready?

11 MR. PERRI: Yes, your Honor.

12 THE CLERK: Defense ready?

13 MR. ZERNER: We are, thank you.

14 THE COURT: Welcome back, ladies and gentlemen  
15 of the jury.

16 Mr. Perri.

17 MR. PERRI: Your Honor, the People have an  
18 application to have five items published to the jury so  
19 that they may be allowed to view them. They would be  
20 People's 10, People's 11, and then People's 15, 16 and  
21 17, your Honor. These would be the text messages and  
22 the phone records.

23 THE COURT: Ladies and gentlemen, what's going  
24 to happen is because these exhibits have been received  
25 in evidence, you are certainly entitled to view them and

1 the assistant district attorney wishes that you view  
2 them at this point. Obviously once you begin your  
3 deliberations, should you wish any of the evidence in  
4 the jury room, you will simply write a letter asking for  
5 the exhibits and they will be provided to you.

6 So, at this point I'm just going to ask the  
7 sergeant to hand an item to individual jurors and you  
8 will circulate them among yourselves, okay.

9 Mr. Perri, the phone records were what  
10 exhibits?

11 MR. PERRI: Fifteen, 16 and 17, your Honor.

12 THE COURT: With regard to the phone records,  
13 you will see some markings. The People offered those  
14 markings on those exhibits as demonstrative for you to  
15 be able to readily look at the documents, okay. They  
16 are copies of what exhibits?

17 MR. PERRI: They are copies of People's 14B  
18 through D.

19 THE COURT: The People assert that they are  
20 copies of the items just noted.

21 (Whereupon, the above-mentioned exhibits were  
22 published to the jury.)

23 (Pause in the proceedings.)

24 THE COURT: Ladies and gentlemen, has everyone  
25 had the opportunity to at least peruse the exhibits?

1 A JUROR: No.

2 THE COURT: I remind you, ladies and  
3 gentlemen, you will get a full opportunity, if you so  
4 desire, to view those exhibits during your deliberations  
5 simply by asking for them through a letter.

6 (Pause in the proceedings.)

7 THE COURT: Okay, ladies and gentlemen, those  
8 exhibits were shown to you just as other exhibits were  
9 shown to you on the projector. Obviously it would have  
10 been impractical to do it that way and that's why the  
11 Court allowed you to peruse them while we're sitting  
12 here.

13 Now, I do have to instruct you in accordance  
14 with your obligations and your promises to be fair and  
15 impartial jurors, each of you must keep an open mind  
16 throughout the trial and reach your conclusions and your  
17 ultimate decisions only during your final deliberations.

18 So, you have seen the exhibits, just as you  
19 have heard testimony and everything, but you are not to  
20 make any premature decisions or determinations, right.  
21 You will make your ultimate decisions only during your  
22 final deliberations after listening carefully to all the  
23 evidence or viewing documentary evidence, the summations  
24 of counsel and then my instructions to you on the law  
25 and then only after exchanging views and reasoning



1 together with other members of the jury. You are not  
2 allowed to do that now. That's only after -- that's the  
3 final step once you are released to your deliberations,  
4 okay, just as a cautionary note.

5 Mr. Perri?

6 MR. PERRI: Your Honor, at this time the  
7 People rest.

8 THE COURT: Thank you, Mr. Perri.

9 What that means, ladies and gentlemen, is that  
10 the People have concluded their case. Now it's  
11 anticipated that Mr. Zerner will be putting on a defense  
12 case and that will begin tomorrow morning. I have  
13 obligations unassociated with the trial that I have to  
14 tend to this afternoon, so you get the benefit of  
15 enjoying this beautiful almost spring like day while I'm  
16 here working. Enjoy. I hold no grudge against you.

17 Yes, sir?

18 THE FOREPERSON: Could you clarify what voir  
19 dire means?

20 THE COURT: Thank you, and I'll deal with that  
21 at a later point in time, okay. So for now, I just want  
22 to remind you of the admonitions. Very simply, forget  
23 about the case until tomorrow morning.

24 Don't reach any decisions, determinations or  
25 conclusions until you have reached the point that I have

1 just spoken about.

2 Don't talk about the case. Don't read about  
3 it. Don't visit any of the places mentioned. Don't do  
4 any research about it.

5 Report to me if anyone tries to improperly  
6 influence you and we'll see you all tomorrow again at  
7 9:30 a.m. Have a good day.

8 (Whereupon, the jury exited the courtroom.)

9 THE COURT: Mr. Zerner, I'll handle any  
10 motions not now, but tomorrow morning before the jury  
11 comes in.

12 MR. ZERNER: Okay.

13 THE COURT: Simply because we're late now and  
14 we're supposed to close at 12:30.

15 MR. ZERNER: Understood. I want to put one  
16 quick thing on the record and we'll deal with the  
17 motions tomorrow morning.

18 THE COURT: Yes.

19 MR. ZERNER: Your decision that you issued  
20 September 16, 2015 clearly states the district attorney  
21 is reminded of their continuing obligations and it's not  
22 limited to what is outlined in there.

23 THE COURT: Understood.

24 MR. ZERNER: It's my understanding with  
25 regards to this incident that took place between Sarita

1 Johnson and Denise Sawyer in the last couple of days,  
2 it's exactly on point to this situation where we have a  
3 situation where a prosecution witness now released from  
4 her testimony but living with another of the prosecution  
5 witnesses gets into an interaction -- gets into an  
6 altercation with a potential witness for the defense.  
7 There has to be the possibility that there is  
8 exculpatory evidence in there where one of their  
9 witnesses is trying to intimidate one of my witnesses.

10 THE COURT: Thank you, Mr. Zerner. The People  
11 understand their continuing obligation under Brady. I  
12 have reinforced that on a number of occasions.

13 MR. PERRI: Yes, your Honor.

14 THE COURT: Okay, 9:30 tomorrow morning.  
15 We'll see you then.

16 With regard to the juror's question about voir  
17 dire, I'll deal with that tomorrow morning after  
18 conference with counsel.

19 (Whereupon, the trial was adjourned to  
20 February 19, 2016.)

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